City of Sammamish Planning Commission



Regular Meeting

September 21, 2017 6:30 – 8:30 pm

Location:

Planning Commission meetings are held at City Hall in Council Chambers unless otherwise posted.

Public Access:

All meetings are open to the public and include opportunities for public comment.



PLANNING COMMISSION REGULAR MEETING

September 21, 2017 6:30 – 8:30 PM **SAMMAMISH CITY HALL 801-228TH AVE SE**

AGENDA

Approx. start time

CALL TO ORDER 6:30 pm

ROLL CALL

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: September 6, 2017

PUBLIC COMMENT: Non Agenda (3 minutes per person / 5 minutes if representing an organization)

OLD BUSINESS 6:45 pm

Stormwater Code Updates

Public Hearing

Deliberation

NEW BUSINESS 7:45 pm

Overview of Chapter 21A.50 SMC – Environmentally Critical Areas Regulations

• Work Session

PUBLIC COMMENT: Agenda (7 minutes per person) 8:15 pm

ADJOURN 8:30 pm

Note: This is an opportunity for the public to address the Planning Commission. For non-agenda items, three (3) minutes are granted per person, or five (5) minutes if representing the official position of a recognized community organization. Seven (7) minutes are granted per person for agenda items.

If you are submitting written material, please supply 8 copies (7 for Planning Commission; 1 for the record). If you would like to show a video or PowerPoint, it must be submitted or emailed by 5pm the day of the meeting to Kevin Johnson at kjohnson@sammamish.us. Please be aware that Planning Commission meetings are videotaped and available to the public.

The City of Sammamish Planning Commission is appointed and is the advisory board to the City Council on the preparation and amendment of land use plans and implementing ordinances such as zoning. Planning Commissioners are selected to represent all areas of the City and as many "walks of life" as possible. The actions of the Planning Commission are not final decisions; they are in the form of recommendations to City Council who must ultimately make the final decision.

THE COMMISSION MAY ADD OR TAKE ACTIONS ON ITEMS NOT LISTED ON THIS AGENDA.

Planning Commission meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request.

Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.

PLANNING COMMISSION AGENDA CALENDAR

| Date | Time | Туре | Staff | Topics |
|-------------|-----------|-----------------|------------------------------|--|
| October 5 | 6:30 PM | Regular Meeting | PW Staff David Pyle | Deliberation: Storm Water Code Updates Work Session: Erosion Hazards Near Sensitive Water Bodies Overlay No-Disturbance Area Code |
| October 19 | 6:30 PM | Regular Meeting | David Pyle Ryan Harriman | Public Hearing / Deliberation: Erosion Hazards Near Sensitive Water Bodies Overlay No-Disturbance Area Code Work Session: Application of Current Density to Land Division Code |
| November 2 | 6:30 PM | Regular Meeting | Ryan Harriman David Goodman | Public Hearing / Deliberation: Application of Current Density to Land Division Code Work Session: 2018 Comprehensive Plan Amendments – Docket Requests |
| November 16 | 6:30 PM | Regular Meeting | David Goodman | Public Hearing / Deliberation: 2018 Comprehensive Plan Amendments – Docket Requests |
| December 7 | 6:30 PM | Regular Meeting | Doug McIntyre ARCH Staff | Work Session: Housing Strategy Update |
| December 14 | 6:30 PM | Special Meeting | Kellye Hilde Parks Staff | Work Session: Overview of Town Center Sub-Area Plan and SMC 21.B – Town Center Regulations Work Session: Overview of the Parks, Recreation and Open Space (PRO) Plan |
| December 21 | Cancelled | Regular Meeting | | |



801 228th Avenue SE ■ Sammamish, WA 98075 ■ phone: 425-295-0500 ■ fax: 295-295-0600 ■ web: www.sammamish.us

MINUTES OF THE MEETING

MEETING SUMMARY

Regular Bi-monthly Meeting Thursday, September 7, 2017, 6:45 PM City of Sammamish Council Chambers

COMMISSIONERS PRESENT

Eric Brooks, Pos. 1 Roisin O'Farrell, Pos. 2 Shanna Collins, Pos. 3, Chair Larry Crandall, Pos. 4, Vice-Chair Jane Garrison, Pos. 5 Matthew Petrich, Pos. 6 Nancy Anderson, Pos. 7

STAFF PRESENT

Kellye Hilde, Planning Manager Doug McIntyre, AICP, Senior Planner Cheryl Paston, Deputy Director of Public Works Author Sullivan, A Regional Coalition for Housing (ARCH) Mike Stanger, ARCH

CALL TO ORDER

Chair Collins called the Sammamish Planning Commission meeting to order at 6:45 PM

APPROVAL OF AGENDA

Co-Chair Crandall motioned to approve the Agenda; seconded - **Approved 7:0.** The Agenda was approved as read.

APPROVAL OF THE MINUTES

Commissioner Brooks moved to approve the July 20, 2017 minutes as presented; seconded - Approved 7:0

Public Comment: Non-Agenda: (3 Min Individual / 5 Min Representative)

No Non-Agenda Public Comment

Public Comment Closed

NEW BUSINESS 6:50 PM (Bookmarked Video Link)

Housing Strategy Update – Work Session

Staff commenced presentation.

Overview:

The City of Sammamish adopted an amended Housing Element of the Comprehensive Plan in December 2016 (originally adopted in October 2015). One of the policies in the Housing Element is to develop a Housing Strategy Plan to implement the goals and policies in the Comprehensive Plan. The City's current Housing Strategy Plan was adopted in 2006. The purpose of the Housing Strategy Plan is to identify a wide variety of tasks that the City might undertake over time to implement the current Housing Element goals and policies. The intent of the kick-off meeting is to provide the context for the Housing Strategy Plan update. City and ARCH staff presented information to help guide the Commission's discussion. ARCH staff led a discussion and exercise on housing types throughout the City of Sammamish and garnered Planning Commission feedback

Packet material can be found here

Commission and Staff commenced discussion:

Commissioner Garrison asked staff why Transit Oriented and Manufactured Housing is not included in the low- to moderate-income ranges.

Staff responded that they would prepare an answer for the next meeting that covers the Housing Strategy Plan in more detail.

Commissioner Brooks mentioned that he would like to see which of the goals that were presented in staff's presentation can be done right now with the tools available and which ones will take council action or need regulatory changes.

Staff responded that the table presented is supposed to help show that, but it can be tweaked to increase clarity.

Commissioner Brooks added that there should be additional emphasis on promoting green building and not just continuing with the way building has been done in the past.

Commissioner Garrison asked that staff add more strategies related to social and health services.

NEW BUSINESS 7:45 PM (Bookmarked Video Link)

Stormwater Code Updates – Work Session

Staff commenced presentation.

Overview:

The Department of Public Works is proposing code amendments to Chapters 13.15. 13.20, 13.30, and 21A.15 SMC and Sammamish Addendum to the 2016 KCSWDM Surface Water Runoff Code for review and discussion at the September 6, 2017 Planning Commission Meeting.

Packet material can be found here

Commission and Staff commenced discussion:

Commissioner Anderson asked staff to explain what has changed in terms of flooding and erosion in the Inglewood area since the emergency ordinance in 2014 was enacted.

Staff responded that the Inglewood Hill storm water retrofit allows for homeowners to tightline to the system which helps avoid erosion of channels and reduces flooding of adjacent neighbors. However this system does not benefit the citizens south of it.

Commissioner Garrison believes that some of the regulations are over burdensome, such as instances in which impervious surface is replaced with impervious surface. The 1,000 square feet trigger for drainage review seems over burdensome for someone trying to do an addition to an existing home, especially if it is being added on top of existing impervious.

Staff responded that the square footage threshold was originally intended for reviewing new homes and new development. Staff is proposing to remove the section regarding replacing impervious surface with impervious surface.

Commissioner Brooks asked for the source of the landslide hazard area maps that the City uses to make decisions.

Staff responded that the maps were inherited from King County and they are based off of contours and LIDAR data. The maps are used to assist staff in understanding the environmental constraints that may be present in certain areas. Applicants are required to do on-site reconnaissance for purposes of development review conducted by City staff.

Commissioner Brooks asked if staff is looking at the cumulative effect of all of the 1,000 square foot projects as they add up.

Staff responded that they do look at the cumulative effect and that certain drainage requirements are required for development over 1,000 square feet. It is possible for projects to come in at 999 square feet that would not require certain drainage requirements.

Public Comment: Agenda: (7 Min) 8:33 PM (Bookmarked Video Link)

Jeffrey Weems – 941 206TH PL NE Topic: Storm Water Code Update Laurien LaPema – 905 206TH PL NE Topic: Storm Water Code Update Jay Rockney – 1218 206TH PL NE

Mary Wictor – 408 208TH AVE Topic: Storm Water Code Update

Topic: Storm Water Code Update

Ernie Marshand – 1511 208TH AVE NE Topic: Storm Water Code Update

Public Comment Closed

Motion to Adjourn: Commissioner Garrison motioned to adjourn; seconded. **Approved 7:0** Meeting adjourned at 9:03 PM.

Chair: Shanna Collins

PC Coordinator: Kevin Johnson Video Audio Record 09/06/2017

Roberts Rules of Order applied: [RONR (10^{TH} ed.), p. 451, 1. 25-28]



801 228th Avenue SE ■ Sammamish, WA 98075 ■ phone: 425-295-0500 ■ fax: 295-295-0600 ■ web: www.sammamish.us

PLANNING COMMISSION AGENDA ITEM

September 21, 2017

SUBJECT

Proposed amendments to: Chapters 13.10 SMC – Definitions, Chapter 13.20 SMC – Surface Water Runoff Regulations, Chapter 13.30 SMC – Water Quality, Chapter 21A.15 SMC - Technical Terms and Land Use Definitions of the Sammamish Municipal Code, and Sammamish Addendum to the 2016 King County Surface Water Design Manual Surface Water Runoff Code

STAFF CONTACTS

Tawni Dalziel, P.E., Sr. Stormwater Program Manager, 425-295-0567 tdalziel@sammamish.us, Public Works

Kellye Hilde, Planning Manager, 425-295-0582 khilde@sammamish.us, Community Development

| DIRECTION NEEDED FROM PLANNING COMMISSION |
|---|
| ☑ Action |
| □ Discussion |
| ☐ Information |
| |

SUMMARY STATEMENT

The Department of Public Works staff is proposing code amendments to Chapters 13.10. 13.20, 13.30, 21A.15 SMC, and Sammamish Addendum to the 2016 King County Surface Water Design Manual (KCSWDM) for review and discussion, public hearing, and deliberation at the September 21, 2017 Planning Commission meeting.

BACKGROUND AND PROCESS

On September 6, Public Works staff presented an overview of the project background and information on the proposed amendments to the Planning Commission. The following items were requested to continue the discussion of the proposed amendments (refer to attached exhibits):

- Legal definition of "reasonable use".
- Stormwater code definitions.
- Map showing city-wide critical drainage areas.
- Overview of Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project.
- Examples of single family residential development with 1,000 SF of impervious surface (to be provided in presentation during Planning Commission meeting).
- A Summary Matrix outlining the proposed amendments and Planning Commission questions and staff

responses.

PROJECT OVERVIEW

Public Works staff proposes code amendments to Chapters 13.10. 13.20, 13.30, 21A.15 SMC, and Sammamish Addendum to the 2016 KCSWDM (see Exhibit 2).

The most debated and discussed code amendment were changes to the threshold for drainage review and requirements to provide a tightline through the landslide hazard area, formal flow control, and water quality facilities.

The current code requires drainage review in the following areas:

- Inglewood Historic Plat area for any development proposing 500 SF or more of new plus replaced impervious surface;
- Landslide hazard drainage area for any development proposing 500 SF or more of new impervious surface; or
- Critical drainage areas for any development regardless of impervious surface proposed. Critical drainage areas include landslide hazard drainage areas and all areas that drain to Pine and Beaver Lakes.

The current code requires the following mitigation for stormwater discharges:

- Inglewood Historic Plat area requires a stormwater tightline through the landslide hazard area with an exception when the development proposes less than 500 SF of new impervious surface, when all runoff can be infiltrated up to the 100-year storm event, or when City determines that a tightline system is not physically feasible or will create significant adverse impact based on a soils report prepared by a qualified professional;
- Landslide hazard drainage areas require a stormwater tightline through the landslide hazard area with no exceptions; and
- A tightline is not required for areas that drain to Pine and Beaver Lakes.

The current code requires the following flow control and water quality facilities:

- Inglewood Historic Plat area requires formal flow control and water quality facilities if 5,000 SF or more of new plus replaced impervious surfaces are proposed;
- Landslide hazard drainage areas require formal flow control and water quality facilities with no exceptions; and
- Areas that drain to Pine and Beaver Lakes require formal flow control and water quality facilities with no exceptions.

It should be noted that the Inglewood Historic Plat area contains landslide hazard drainage areas that are subject to the more restrictive requirements.

Public Works staff held a public open house on May 25, 2017 to discuss these requirements. Staff also discussed stormwater code with planning staff, development review engineers, and the City's legal counsel. Everyone generally agreed the existing code was overly burdensome and may deny property owners the reasonable use of a vacant low-density residential zoned lot.

Proposed changes include requiring drainage review and requirements for consistently for all critical drainage areas in the city and removing the special requirements for the Inglewood Historic Plat area. Drainage review would be triggered in all critical drainage areas for any development proposing to convert 1,000 SF (instead of 500 SF) or more of pervious surface to impervious surface. Tightline requirements for developments located within landslide hazard drainage areas would be required for any development proposing to convert 1,000 SF (instead of 500 SF) or more of pervious surface to impervious surface with no exemptions without Director approval. Amendments would also allow exemptions from formal flow control and water quality in accordance with the adopted 2016 KCSWDM for lots in critical drainage areas. And finally, redundancies in the adopted 2016 KCSWDM have been eliminated.

RECOMMENDATION

Public Works staff recommend that the Planning Commission hold a public hearing on the proposed code amendments to Chapters 13.10. 13.20, 13.30, 21A.15 SMC, and Sammamish Addendum to the 2016 KCSWDM Surface Water Runoff Code at the September 21, 2017 meeting. Following public testimony, staff recommend that the Planning Commission hold deliberations and make a recommendation for City Council to adopt the stormwater code amendments as presented.

EXHIBITS

- 1. Updated Chapter 13.10 SMC Definitions, Chapter 13.20 SMC Surface Water Runoff Regulations, Chapter 13.30 SMC Water Quality, Chapter 21A.15 SMC Technical Terms and Land Use Definitions, and the Sammamish Addendum to the 2016 KCSWDM (clean).
- 2. Strikethrough/Underline Version of Chapter 13.15 SMC Definitions, Chapter 13.20 SMC Surface Water Runoff Regulations, Chapter 13.30 SMC Water Quality, Chapter 21A.15 SMC Technical Terms and Land Use Definitions, and the Sammamish Addendum to the 2016 KCSWDM (redline).
- 3. Stormwater Code Definitions
- 4. Legal definition of "Reasonable Use"
- 5. Schematic of Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project
- 6. Map of city-wide critical drainage areas
- 7. Ordinance 2015-389 Inglewood Historic Plat Stormwater Regulations
- 8. Summary matrix of proposed amendments and Planning Commission comments

Chapter 13.10 DEFINITIONS

Sections:

13.10.010 Scope of chapter.

| <u>13.10.020</u> | Adjustment. |
|------------------|--|
| <u>13.10.030</u> | AKART. |
| <u>13.10.040</u> | Applicant. |
| <u>13.10.050</u> | Basin. |
| <u>13.10.060</u> | Basin plan. |
| <u>13.10.070</u> | Best management practices. |
| <u>13.10.080</u> | City. |
| 13.10.090 | Closed depression. |
| 13.10.100 | Clean Water Act. |
| <u>13.10.110</u> | Construct or modify. |
| 13.10.120 | Conveyance system. |
| <u>13.10.130</u> | Department. |
| <u>13.10.140</u> | Development. |
| 13.10.150 | Developed parcel. |
| <u>13.10.160</u> | Director. |
| <u>13.10.170</u> | Division. |
| 13.10.180 | Discharge. |
| 13.10.190 | Drainage. |
| 13.10.200 | Drainage facility. |
| 13.10.210 | Drainage review. |
| 13.10.220 | Effective impervious surface. |
| 13.10.230 | Erosion and sediment control. |
| 13.10.240 | Farm management plan. |
| 13.10.250 | Financial guarantee. |
| 13.10.260 | Flood hazard reduction plan. |
| <u>13.10.270</u> | Flow control best management practice. |
| <u>13.10.280</u> | Flow control facility. |
| <u>13.10.290</u> | Forest practices. |
| 13.10.300 | Full drainage review. |

| 13.10.310 | Groundwater. |
|------------------|---|
| 13.10.320 | High-use site. |
| 13.10.330 | Hydraulically connected. |
| 13.10.340 | Impervious surface. |
| 13.10.350 | Improvement. |
| 13.10.360 | Land disturbing activity. |
| 13.10.370 | Land use code. |
| 13.10.380 | Lake management plan. |
| 13.10.390 | Large project drainage review. |
| 13.10.400 | Licensed civil engineer. |
| 13.10.410 | Maintenance. |
| 13.10.420 | Master drainage plan. |
| 13.10.421 | Municipal Separate Storm Sewer Systems (MS4). |
| 13.10.430 | National Pollutant Discharge Elimination System. |
| 13.10.440 | National Pollutant Discharge Elimination System permit. |
| 13.10.450 | Native vegetated surface. |
| 13.10.460 | Natural discharge location. |
| 13.10.470 | Natural surface water drainage system. |
| 13.10.480 | New impervious surface. |
| 13.10.490 | New pervious surface. |
| 13.10.500 | Open space. |
| 13.10.510 | Parcel. |
| 13.10.520 | Person. |
| 13.10.525 | Pervious surface. |
| 13.10.530 | Pollution-generating impervious surface. |
| <u>13.10.540</u> | Pollution-generating pervious surface. |
| <u>13.10.550</u> | Project. |
| 13.10.560 | Project site. |
| 13.10.570 | Rate category. |
| 13.10.580 | Redevelopment project. |
| 13.10.590 | Replaced impervious surface. |
| <u>13.10.600</u> | Residence. |
| 13.10.610 | Residential parcel. |

| <u>13.10.620</u> | Runoff. |
|------------------|---|
| <u>13.10.630</u> | Salmon conservation plan. |
| 13.10.640 | Shared facility. |
| <u>13.10.650</u> | Service area. |
| 13.10.655 | Simplified drainage review. |
| 13.10.660 | Site. |
| 13.10.670 | Repealed. |
| 13.10.680 | Source control BMP. |
| 13.10.690 | State Waste Discharge Permit. |
| 13.10.700 | Stormwater compliance plan. |
| 13.10.710 | Stormwater plan. |
| 13.10.720 | Stormwater Pollution Prevention Manual. |
| 13.10.730 | Subbasin. |
| 13.10.740 | Surface and stormwater. |
| 13.10.750 | Surface and stormwater management services. |
| 13.10.760 | Surface and stormwater management system. |
| 13.10.770 | Surface Water Design Manual. |
| 13.10.780 | Surface water management fee protocols. |
| 13.10.790 | Treatment BMP. |
| <u>13.10.800</u> | Targeted drainage review. |
| 13.10.810 | Undeveloped parcel. |
| 13.10.820 | Water quality facility. |
| | |

13.10.421 Municipal Separate Storm Sewer Systems.

"Municipal Separate Storm Sewer Systems" or "MS4" is a conveyance or system of conveyances that is owned by the City of Sammamish that discharges to waters of the U.S., designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches), not a combined sewer, and not part of a sewage treatment plant, or publicly owned treatment works.

Chapter 13.20 SURFACE WATER RUNOFF REGULATIONS

Sections:

| <u>13.20.010</u> | Purpose. |
|------------------|--|
| 13.20.020 | Drainage review – When required – Type. |
| <u>13.20.030</u> | Drainage review – Requirements. |
| 13.20.040 | Critical drainage and/or critical erosion areas. |
| <u>13.20.050</u> | Engineering plans for the purposes of drainage review. |
| 13.20.060 | Construction timing and final approval. |
| 13.20.070 | Liability insurance required. |
| <u>13.20.080</u> | Financial guarantees authorized. |
| 13.20.090 | Drainage facilities accepted by Sammamish for maintenance. |
| <u>13.20.100</u> | Drainage facilities not accepted by Sammamish for maintenance. |
| <u>13.20.110</u> | Hazards. |
| <u>13.20.120</u> | Administration. |
| <u>13.20.130</u> | Enforcement. |
| <u>13.20.140</u> | Implementation, review and revision. |
| <u>13.20.150</u> | Severability. |
| | |

13.20.010 Purpose. SHARE SHARE

The purpose of this chapter is to promote the public health, safety and welfare by providing for the comprehensive management of surface and stormwaters and erosion control, especially that which preserves and utilizes the many values of the City's natural drainage system including open space, fish and wildlife habitat, recreation, and education. By conducting programs to reduce flooding, erosion, and sedimentation; prevent and mitigate habitat loss; enhance groundwater recharge; and prevent water quality degradation through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance, the effectiveness of the requirements contained in this chapter will be promoted. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.020 Drainage review – When required – Type. SHARE SHARE

(1) Drainage review is required when any proposed project is subject to a City of Sammamish development permit or approval and:

(a) Would result in 2,000 square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface; or:

(b) Would involve 7,000 square feet or more of land disturbing activity; or

(c) Would construct or modify a drainage pipe or ditch that is 12 inches or more in size or depth or receives surface and stormwater runoff from a drainage pipe or ditch that is 12 inches or more in size or depth; or

(d) Contains or is adjacent to a flood hazard area as defined in SMC Title 15 or 21A; or

(e) Would result in the conversion of 1,000 square feet or more of pervious surface to impervious surface when les located within a critical drainage area; or

(f) Is a redevelopment project proposing \$100,000 or more of improvements to an existing highuse site.

(2) The drainage review for any proposed project shall be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection (1) of this section, the City shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:

(a) Simplified drainage review;

(b) Targeted drainage review;

(c) Directed drainage review;

(d) Full drainage review; or

(e) Large project drainage review.

(Ord. O2016-428 § 5 (Att. C); Ord. O2015-389 § 1 (Att. A); Ord. O2011-304 § 1 (Att. A))

13.20.030 Drainage review - Requirements. SHARE

(1) A proposed project required to have drainage review by this chapter must meet each of the Core Requirements which are described in detail in the Surface Water Design Manual and as amended by the Sammamish Addendum to the Surface Water Design Manual.

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- (2) A proposed project required by this chapter to have drainage review shall meet the Special Requirements which apply to the site and which are described in detail in the Surface Water Design Manual.
- (3)-An adjustment to the requirements contained in the Surface Water Design Manual may be proposed in accordance to the terms and conditions for Drainage Adjustment in the Surface Water Design Manual.
- (4) Proposed subdivision projects shall include outreach and education materials to support the continued maintenance and operation of low impact development best management practices. Such materials shall include an on-site educational kiosk located in a high foot traffic area of the development, educational brochures and handouts, noticing on title, noticing on the final plat of maintenance and operations responsibility, and noticing in the Covenants, Conditions, and Restrictions, when any are applicable.

13.20.040 Critical drainage areas. SHARE SHARE

Development in areas where the department has determined that the existing flooding, drainage and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community shall meet special drainage requirements set by the director until such time as the community hazard is alleviated. Such conditions may include the limitation of the volume of discharge from the subject property to predevelopment levels, preservation of wetlands or other natural drainage features or other controls necessary to protect against community hazard. Critical Drainage Areas are defined in Chapter 21A.15 SMC. Development proposed in critical drainage areas requiring drainage review shall not qualify for any exemptions or exceptions from Core Requirements 2 or 9 in the Surface Water Design Manual unless approved by the director. Where alternate facility designs or methods will produce a compensating or comparable result in the public interest and which will meet this section's objectives of safety, function, appearance, environmental protection and maintainability, based upon sound engineering judgment, an adjustment to the special drainage requirements promulgated under this section may be proposed; provided, that the resulting development shall be subject to all of the remaining terms and conditions of this chapter. Where application of this section will deny all reasonable use of a property and a facility or design that produces a compensating or comparable result cannot be obtained, then an adjustment criterion exception may be approved in accordance to the process as required in the Surface Water Design Manual. This process includes, but is not limited to, legal

noticing, public comment period, and reconsideration request. These standards are in addition to the applicable standards of Chapter <u>21A.50</u> SMC. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.050 Engineering plans for the purposes of drainage review. [3] SHARE [8] SHARE [8]

- (1) These requirements are in addition to the submittal requirements established by Chapter 20.05 SMC.
 - (a) All engineering plans shall be submitted to the City for review in accordance with the Surface Water Design Manual except those drainage plans developed by, or under the review of, the City of Sammamish department of public works for either surface and stormwater capital improvement, repair, maintenance or restoration projects or other linear government agency projects, such as roadways, railways, pipelines, utility lines and trails.
 - (b) If engineering plans are returned for any reason, they shall be returned to the applicant.
 - (c) All master drainage plans, if required, shall be submitted to the City for review in accordance with the specifications in the Surface Water Design Manual. The master drainage plan process should commence at the same time as the State Environmental Policy Act (SEPA) process.
 - (d) Drainage plans not subject to review by the City under subsection (1)(a) of this section shall be reviewed by the department of public works in accordance with this chapter. Project applicability and compliance with this chapter shall be documented in writing and available for review.
- (2) The expiration time frames as specified in the Surface Water Design Manual shall apply to all permit and approval applications.
- (3) All plans shall be processed in accordance with the review procedures specified in the Surface Water Design Manual.
- (4) Submittal procedures, definitions and specifications for the required contents of engineering plans are presented in the Surface Water Design Manual. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.060 Construction timing and final approval. SHARE SHARE

(1) No work related to permanent or temporary storm drainage control for a permitted development may proceed without the approval of the director.

- (2) Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:
 - (a) Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan; and
 - (b) Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and approvals for the project are completed and the potential for onsite erosion has passed.
- (3) The applicant shall have constructed and have in operation those portions of the drainage facilities necessary to accommodate the control of surface and stormwater runoff discharging from the site before the construction of any other improvements or buildings on the site, or in accordance with SMC Title 19A. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.070 Liability insurance required. SHARE IS SHARE

The applicant required to construct the drainage facility pursuant to this chapter shall maintain a combined single limit per occurrence liability policy in the amount established annually by the City, which shall name City as an additional insured and protect the City from liability relating to the construction or maintenance of the facility until construction approval or acceptance for maintenance, whichever is last. Proof of this required liability policy shall be provided to the director prior to commencing construction of any drainage facility. If this liability insurance is not kept in effect as required, the City may initiate enforcement action pursuant to SMC Title 23. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.080 Financial guarantees authorized. SHARE IS SHARE

The City is authorized to require all applicants issued permits or approvals under the provisions of this title to post financial guarantees consistent with the provisions of SMC Title <u>27A</u>. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.090 Drainage facilities accepted by Sammamish for maintenance.



(1) The City is responsible for the maintenance, including performance and operation, of drainage facilities which have formally been accepted for maintenance by the director.

- (2) The City may assume maintenance of privately maintained drainage facilities only if (a) the City first determines that a clear public benefit will result, greater in scope than the public cost, from the use of public resources to participate wholly or partially in the maintenance of a private storm or surface water drainage system component, and (b) all of the following conditions have been met:
 - (a) All necessary easements or dedications entitling the City to properly maintain the drainage facility have been conveyed to the City;
 - (b) The director has determined that the facility is in the dedicated public road right-of-way or that maintenance of the facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
 - (i) Flooding,
 - (ii) Downstream erosion,
 - (iii) Property damage due to improper function of the facility,
 - (iv) Safety hazard associated with the facility,
 - (v) Degradation of water quality or in-stream resources, or
 - (vi) Degradation to the general welfare of the community; and
 - (c) The director has declared in writing acceptance of maintenance responsibility by the City. Copies of this document will be kept on file in the department of public works.
- (3) The director may terminate the department's assumption of maintenance responsibilities in writing after determining that continued maintenance will not significantly contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
 - (a) Flooding;
 - (b) Downstream erosion;
 - (c) Property damage due to improper function of the facility;
 - (d) Safety hazard associated with the facility;

- (e) Degradation of water quality or in-stream resources; or
- (f) Degradation to the general welfare of the community.

Copies of this document will be kept on file in the department of public works.

(4) A drainage facility which does not meet the criteria of this section shall remain the responsibility of the applicant required to construct the facility and persons holding title to the property for which the facility was required. (Ord. O2017-432 § 1 (Att. A); Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.100 Drainage facilities not accepted by Sammamish for maintenance.



- (1) The person or persons holding title to the property and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance in accordance with the standards and requirements of the department and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility which is:
 - (a) Under a maintenance guarantee or defect guarantee;
 - (b) A private road conveyance system;
 - (c) Released from all required financial guarantees prior to July 7, 1980;
 - (d) Located within and serving only one single-family residential lot;
 - (e) Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;
 - (f) Located within or associated with a short subdivision or subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;
 - (g) Previously terminated for assumption of maintenance responsibilities by the department in accordance with this chapter; or
 - (h) Not otherwise accepted by the City for maintenance.

- (2) Prior to the issuance of any of the permits for any multifamily or commercial project required to have a flow control or water quality treatment facility, the applicant shall record a declaration of covenant as specified in the Surface Water Design Manual. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the persons holding title to the property of a City determination that maintenance and/or repairs are necessary to the facility and a reasonable time limit in which such work is to be completed.
 - (a) In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse the City for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the records and licensing services division of King County.
 - (b) The City may enforce the restrictions set forth in the declaration of covenant provided in the Surface Water Design Manual.
- (3) Prior to the issuance of any of the permits and/or approvals for the project or the release of financial guarantees posted to guarantee satisfactory completion, the person or persons holding title to the subject property for which a drainage facility was required shall pay a fee established by the director as set forth in the City resolution to reasonably compensate the City for costs relating to inspection of the facility to ensure that it has been constructed according to plan and applicable specifications and standards.
- (4) The duties specified in this section with regard to payment of inspection fees and reimbursement of maintenance costs shall be enforced against the person or persons holding title to the property for which the drainage facility was required.
- (5) Where not specifically defined in this section, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems, both natural and constructed, shall be determined on a case-by-case basis. In any such case-by-case analyses, the City shall only be responsible for the performance, operation and maintenance of drainage facilities and conveyance systems if a determination is first made pursuant to the criteria set forth in SMC 13.20.090(2) as now in effect or as may be subsequently amended. (Ord. O2017-432 § 1 (Att. A); Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.110 Hazards, [□] SHARE **□** SHARE

Whenever the director determines that any existing construction site, erosion and sedimentation problem and/or drainage facility poses a hazard to life and limb, endangers any property, and/or adversely affects the

condition or capacity of other drainage facilities, the safety and operation of City right-of-way, utilities, and/or other property owned or maintained by the City, the applicant/person to whom the permit was issued pursuant to this chapter, the owner of the property within which the drainage facility is located, the applicant/person responsible for maintenance of the facility, and/or other person or agent in control of said property, upon receipt of notice in writing from the director, shall within the period specified therein repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.

Should the director have reasonable cause to believe that the situation is so adverse as to preclude written notice, the director may take the measures necessary to eliminate the hazardous situation; provided, that the director shall first make a reasonable effort to locate the owner before acting. In such instances the applicant of whom a drainage plan was required pursuant to this chapter, the owner of the property and/or the person responsible for the maintenance of the facility shall be obligated for the payment of all costs incurred. If costs are incurred and a financial guarantee pursuant to this chapter or other City requirement has been posted, the director shall have the authority to collect against the financial guarantee to cover costs incurred. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.120 Administration. SHARE SHARE

- (1) Administration.
 - (a) The director is authorized to promulgate and adopt administrative rules under the procedures specified in Chapter 2.55 SMC, for the purpose of implementing and enforcing the provisions of this chapter. Adopted administrative rules are available to the public from the department of public works. This includes, but is not limited to, the Surface Water Design Manual.
 - (b) The director is authorized to develop procedures for applying adopted rules and regulations during the review of permit applications for the development of land. These procedures may also be contained in the Surface Water Design Manual.
- (2) Inspections. The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.
- (3) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of drainage facilities or whenever the director has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the director may

enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided, that if such premises or portion thereof is occupied, the director shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.

(4) Access. Proper ingress and egress shall be provided to the director to inspect, monitor or perform any duty imposed upon the director by this chapter. The director shall notify the responsible party in writing of failure to comply with this access requirement. Failing to obtain a response within seven days from the receipt of notification, the director may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in causing such work to be done shall thereby be imposed on the person holding title to the subject property. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.130 Enforcement. SHARE SHARE

The City is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of SMC Title 23. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.140 Implementation, review and revision. SHARE IS SHARE

The department may administer a training program for users of the Surface Water Design Manual. The department may also conduct an ongoing research program to evaluate the effectiveness of the requirements in meeting the purpose of this chapter. This research program may examine, but not be limited to, hydrologic and hydraulic analysis methods, stream geomorphologic analysis methods, water quality, best management practices and erosion and sediment control measures. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.150 Severability. SHARE SHARE

If any provision of this chapter or its application to any person or property is held invalid, the remainder of the chapter or the application of the provision to other persons or property shall not be affected. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

Chapter 13.30 WATER QUALITY

Sections:

| <u>13.30.010</u> | Purpose. |
|------------------|---|
| 13.30.020 | Discharges into waters. |
| 13.30.030 | Stormwater Pollution Prevention Manual. |
| 13.30.040 | Enforcement. |
| 13.30.050 | Hazards. |
| 13.30.060 | Criminal penalty. |
| 13.30.070 | Civil penalties for water quality. |
| 13.30.080 | Construction – Intent. |
| | |

13.30.010 Purpose. SHARE SYM...

The purpose of this chapter is to protect the City's surface and groundwater quality by providing minimum requirements for reducing and controlling the discharge of contaminants. The City council recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this chapter prohibits the discharge of contaminants into surface and stormwater and groundwater, and outlines preventive measures to restrict contaminants from entering such waters. These measures include the implementation of best management practices (BMPs) by the residents of the City of Sammamish.

The City council finds this chapter is necessary to protect the health, safety and welfare of the residents of Sammamish and the integrity of the City's resources for the benefit of all by: minimizing or eliminating water quality degradation; preserving and enhancing the suitability of waters for recreation, fishing, and other beneficial uses; and preserving and enhancing the aesthetic quality and biotic integrity of the water. The City council recognizes that implementation of this chapter is required under the federal Clean Water Act, 33 U.S.C. 1251 et seq. In meeting the intent of the Clean Water Act the City council also recognizes the importance of maintaining economic viability while providing necessary environmental protection and believes this chapter helps achieve both goals. (Ord. O2011-304 § 1 (Att. A))

13.30.020 Discharges into waters. SHARE SHARE

(1)(a) It is unlawful for any person to discharge any contaminants into surface and stormwater, groundwater or Puget Sound. Contaminants include, but are not limited to, the following:

| (i) Trash or debris; |
|---|
| (ii) Construction materials; |
| (iii) Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil; |
| (iv) Antifreeze and other automotive products; |
| (v) Metals in either particulate or dissolved form; |
| (vi) Flammable or explosive materials; |
| (vii) Radioactive material; |
| (viii) Batteries; |
| (ix) Acids, alkalis, or bases; |
| (x) Paints, stains, resins, lacquers or varnishes; |
| (xi) Degreasers and solvents; |
| (xii) Drain cleaners; |
| (xiii) Pesticides, herbicides or fertilizers; |
| (xiv) Steam cleaning wastes; |
| (xv) Soaps, detergents or ammonia; |
| (xvi) Swimming pool backwash; |
| (xvii) Chlorine, bromine and other disinfectants; |
| (xviii) Heated water; |
| (xix) Domestic animal wastes; |
| (xx) Sewage: |

| (xxi) Recreational vehicle waste; |
|---|
| (xxii) Animal carcasses; |
| (xxiii) Food wastes; |
| (xxiv) Bark and other fibrous materials; |
| (xxv) Collected lawn clippings, leaves or branches; |
| (xxvi) Silt, sediment or gravel; |
| (xxvii) Dyes, except as stated in subsection (4)(a) of this section; |
| (xxviii) Chemicals not normally found in uncontaminated water; |
| (xxix) Any hazardous material or waste not listed above. |
| (b) Illicit Connections. Any connection identified by the director that could convey anything not |
| composed entirely of surface and stormwater directly to surface and stormwater or groundwater |
| is considered an illicit connection and is prohibited with the following exceptions: |
| (i) Connections conveying allowable discharges; |
| (ii) Connections conveying discharges pursuant to an NPDES permit, other than an |
| NPDES stormwater permit, or a State Waste Discharge Permit; and |
| (iii) Connections conveying effluent from on-site sewage disposal systems to subsurface soils. |
| (2) BMPs shall be applied to any business or residential activity that might result in prohibited discharges as |
| specified in the Stormwater Pollution Prevention Manual or as determined necessary by the director. Activities |
| that might result in prohibited discharges include but are not limited to the following: |
| (a) Potable water line flushing; |
| (b) Lawn watering with potable water; |
| (c) Dust control with potable water; |

| (d) Automobile and boat washing; |
|--|
| (e) Pavement and building washing; |
| (f) Swimming pool and hot tub maintenance; |
| (g) Auto repair and maintenance; |
| (h) Building repair and maintenance; |
| (i) Landscape maintenance; |
| (j) Hazardous waste handling; |
| (k) Solid and food waste handling; and |
| |

- (3) The following types of discharges shall not be considered prohibited discharges for the purpose of this chapter unless the director determines that the type of discharge, whether singly or in combination with other discharges, is causing significant contamination of surface and stormwater or groundwater:
 - a) Diverted stream flows

(I) Application of pesticides.

- b) Rising ground waters
- c) Uncontaminated ground water infiltration other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes.
- d) Uncontaminated pumped ground water
- e) Foundation drains
- f) Air conditioning condensation
- g) Irrigation water from agricultural sources that is commingled with urban stormwater
- h) Springs
- i) Uncontaminated water from crawl space pumps
- j) Footing drains
- k) Flows from riparian habitats and wetlands
- I) Non-stormwater discharges authorized by another NPDES or state waste discharge permit

- m) Discharges from emergency fire fighting activities in accordance with Washington State
 Department of Ecology NPDES Permit Authorized Discharges
- n) Discharges from potable water sources, including but not limited to water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4.
- Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through water conservation efforts.
- p) Dechlorinated swimming pool, spa and hot tub discharges. The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
- q) Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. These discharges shall minimize the amount of street wash and dust control water used.
- r) Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a pollution prevention plan reviewed by the City, which addresses control of such discharges.
- (4)(a) Dye testing is allowable but requires verbal notification to the City at least one day prior to the date of test. The City is exempt from this requirement.
 - (b) A person does not violate subsection (1) of this section if:
 - (i) That person has properly designed, constructed, implemented and is maintaining BMPs and is carrying out AKART as required by this chapter, but contaminants continue to enter surface and stormwater or groundwater; or
 - (ii) That person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.
 - (c) A person who, under subsection (4)(b) of this section, is not in violation of subsection (1) of this section is liable for any prohibited discharges through illicit connections, dumping, spills,

improper maintenance of BMPs or other discharges that allow contaminants to enter surface and stormwater or groundwater.

(d) Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter in order to avoid an imminent threat to public health or safety shall be exempt from this section. The director by public rule may specify actions that qualify for this exception in City procedures. A person undertaking emergency response activities shall take steps to ensure that the discharges resulting from such activities are minimized. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence. (Ord. O2011-304 § 1 (Att. A))

13.30.030 Stormwater Pollution Prevention Manual. SHARE

- (1) Compliance with this chapter shall be achieved through the use of the best management practices described in the Stormwater Pollution Prevention Manual in effect on May 24, 2011 (effective date of the ordinance codified in this chapter). In applying the Stormwater Pollution Prevention Manual, the director shall first require the implementation of source control BMPs. If these are not sufficient to prevent contaminants from entering surface and stormwater or groundwater, the director may require implementation of treatment BMPs as set forth in AKART. The City will provide, upon reasonable request, available technical assistance materials and information, and information on outside financial assistance options to persons required to comply with this chapter.
- (2) In applying the Stormwater Pollution Prevention Manual to prohibited discharges from normal single-family residential activities, the director shall use public education and warnings as the primary method of gaining compliance with this chapter and shall not use citations, notice and orders, assessment of civil penalties and fines, or other compliance actions as authorized in SMC Title 23, unless the director determines:
 - (a) The discharge from a normal single-family residential activity, whether singly or in combination with other discharges, is causing a significant contribution of contaminants to surface and stormwater or groundwater; or
 - (b) The discharge from a normal single-family residential activity poses a hazard to the public health, safety or welfare, endangers any property or adversely affects the safety and operation of City right-of-way, utilities or other City-owned or maintained property.

- (3) Persons implementing BMPs through another federal, state or local program will not be required to implement the BMPs prescribed in the City's Stormwater Pollution Prevention Manual, unless the director determines the alternative BMPs are ineffective at reducing the discharge of contaminants. If the other program requires the development of a stormwater pollution prevention plan or other best management practices plan, the person shall make the plan available to the City upon request. Persons who qualify for exemptions include, but are not limited to, persons:
 - (a) Required to obtain a general or individual NPDES permit from the Washington State Department of Ecology;
 - (b) Implementing and maintaining, as scheduled, a King Conservation District-approved farm management plan;
 - (c) Implementing BMPs in compliance with the management program of the City's municipal NPDES permit;
 - (d) Engaged in forest practices, with the exception of forest practices occurring on lands platted after January 1, 1960, or on lands being converted to another use or when regulatory authority is otherwise provided to local government by RCW 76.09.240; or
 - (e) Identified by the director as being exempt from this section. (Ord. O2011-304 § 1 (Att. A))

13.30.040 Enforcement. SHARE SHARE SHARE

- (1) The director is authorized to carry out enforcement actions pursuant to the enforcement and penalty provisions of SMC Title <u>23</u> and other enforcement provisions adopted by rule under the procedures of Chapter <u>2.55</u> SMC.
- (2) The director shall gain compliance with this chapter by requiring the implementation of operational and/or source control BMPs. Source control BMPs are in Volume IV of the *Stormwater Management Manual for Western Washington*. The director may also require maintenance of stormwater facilities which discharge into the MS4 in accordance with maintenance standards established in the Surface Water Design Manual. The director shall initially rely on education and informational assistance as much as possible to gain compliance with this chapter, unless the director determines a violation is a result of a flagrant act that should be addressed through immediate penalties or poses a hazard as defined in the hazards section (SMC 13.30.050).

- (3) The director, in consultation with other departments of the City government, shall develop and implement additional enforcement procedures. These procedures shall indicate how the City will investigate and respond to reports or instances of noncompliance with this chapter and shall identify by title the official(s) responsible for implementing the enforcement procedures.
- (4) The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter. Such inspections shall be made in accordance with SMC Title <u>23</u>.
 - (a) The director may observe best management practices or examine or sample surface and stormwater or groundwater as often as may be necessary to determine compliance with this chapter. Whenever an inspection of a property is made, the findings shall be recorded and a copy of the inspection findings shall be furnished to the owner or the person in charge of the property after the conclusion of the investigation and completion of the inspection findings.
 - (b) When the director has made a determination under subsection (4)(a) of this section that any person is violating this chapter, the director may require the violator to sample and analyze any discharge, surface and stormwater, groundwater, and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the director. If the violator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the City of Sammamish department of public works.
- (5) In addition to any other penalty or method of enforcement, the prosecuting attorney may bring actions for injunctive or other relief to enforce this chapter. (Ord. O2011-304 § 1 (Att. A))

13.30.050 Hazards. SHARE 19 3...

Whenever the director determines that any violation of this chapter poses a hazard to public health, safety, or welfare; endangers any property; or adversely affects the safety and operation of City right-of-way, utilities, and/or other property owned or maintained by the City; the person holding title to the subject property, and/or other person or agent in control of said property, upon receipt of notice in writing from the director shall within the period specified therein address the cause of the hazardous situation in conformance with the requirements of this chapter.

Notwithstanding any other provisions of this chapter, whenever it appears to the director that conditions covered by this chapter exist requiring immediate action to protect the public health and/or safety, the director is authorized to enter at all times in or upon any such property, public or private, for the purpose of inspecting

and investigating such emergency conditions. The director may without prior notice order the immediate discontinuance of any activity leading to the emergency condition. Failure to comply with such order shall constitute a misdemeanor as specified in SMC Title 23. (Ord. O2011-304 § 1 (Att. A))

13.30.060 Criminal penalty. SHARE SHARE

Any willful violation of an order issued pursuant to SMC <u>13.30.040</u> or <u>13.30.050</u> for which a criminal penalty is not prescribed by state law is a misdemeanor. (Ord. O2011-304 § 1 (Att. A))

13.30.070 Civil penalties for water quality. SHARE SHARE

The enforcement provisions for water quality are intended to encourage compliance with this chapter. To achieve this, violators will be required to take corrective action and comply with the requirements of this chapter, and may be required to pay a civil penalty for the redress of ecological, recreational, and economic values lost or damaged due to their unlawful action.

- (1) The provisions in this section are in addition to and not in lieu of any other penalty, sanction or right of action provided by law.
- (2) Any person in violation of this chapter shall be subject to civil penalties assessed as follows:
 - (a) An amount reasonably determined by the director to be equivalent to the economic benefit the violator derives from the violation as measured by: the greater of the resulting increase in market value of the property or business value received by the violator, or savings of construction or retrofitting costs realized by the violator performing any act in violation of this chapter; and
 - (b) An amount, not to exceed \$25,000, that is reasonably based upon the nature and gravity of the violation and the cost to the City of enforcing this chapter against the violator.
- (3) Any person who, through an act of commission or omission, aids or abets in a violation shall be considered to have committed the violation for the purposes of the civil penalty.
- (4) Each violator is jointly and severally liable for a violation of this chapter. The director may take enforcement action, in whole or in part, against any violator. The decisions whether to take enforcement action, what type of action to take, and which person to take action against, are all entirely within the director's discretion. Factors to be used in taking such enforcement actions shall be:

- (a) Awareness of the violation;
- (b) Ability to correct the violation;
- (c) Cooperation with government agencies;
- (d) Degree of impact or potential threat to water or sediment quality, human health, or the environment.

In the event more than one person is determined to have violated the provisions of this chapter, all applicable civil penalties may be imposed against each person, and recoverable damages, costs, and expenses may be allocated among the persons on any equitable basis. Factors that may be considered in determining an equitable allocation include:

- (e) Awareness of the violation;
- (f) Ability to correct the violation;
- (g) Ability to pay damages, costs, and expenses;
- (h) Cooperation with government agencies;
- (i) Degree of impact or potential threat to water or sediment quality, human health, or the environment.
- (5) The director or the director's designee may engage in mitigation discussions with the violator. The director or the director's designee may reduce the penalties based upon one or more of the following mitigating factors:
 - (a) The person responded to City attempts to contact the person and cooperated with efforts to correct the violation;
 - (b) The person showed due diligence and/or substantial progress in correcting the violation; or
 - (c) An unknown person was the primary cause of the violation.

Payment of a monetary penalty pursuant to this chapter does not relieve the person of the duty to correct the violation. (Ord. O2011-304 § 1 (Att. A))

13.30.080 Construction - Intent. SHARE SHARE

This chapter is enacted as an exercise of the City's power to protect and preserve the public health, safety and welfare. Its provision shall be exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. This chapter is not enacted to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

The primary obligation of compliance with this chapter is placed upon the person holding title to the property. Nothing contained in this chapter is intended to be or shall be construed to create or form a basis for liability for the City, the department, its officers, employees or agents for any injury or damage resulting from the failure of the person holding title to the property to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter by the City, department, its officers, employees or agents. (Ord. O2011-304 § 1 (Att. A))

Title 21A DEVELOPMENT CODE

21A.15.255 Critical drainage area. SHARE SHARE

"Critical drainage area" means an area that requires more restrictive regulation than City standards afford in order to mitigate severe flooding, drainage, erosion, or sedimentation problems that result from the cumulative impacts of development and urbanization. Critical drainage areas include areas that drain to Pine Lake and Beaver Lake and all landslide hazard drainage areas. (Ord. O2016-429 § 2 (Att. B); Ord. O2013-350 § 1 (Att. A); Ord. O2003-132 § 10)

CITY OF SAMMAMISH SAMMAMISH ADDENDUM TO THE 2016 KING COUNTY SURFACE WATER DESIGN MANUAL

CHAPTER 1 – Drainage Review and Requirements

- Section 1.1.1 PROJECTS REQUIRING DRAINAGE REVIEW (page 1-12 of the 2016 KCSWDM) Replace the "King County Permits and Approvals" table with the following table and adding new numbers 7 and 8.
- 7. Projects as listed in SMC 13.20.020.

1.2.1 CORE REQUIREMENT #1: DISCHARGE AT THE NATURAL LOCATION

2. IF a proposed project, or any *natural discharge area* within a project, is located within a *Landslide Hazard Drainage Area* and drains over the erodible soils of a *landslide hazard area* with slopes steeper than 15%, THEN a **tightline system must be provided** through the *landslide hazard area* to an acceptable discharge point unless one of the following exceptions applies. The tightline system must comply with the design requirements in Core Requirement #4 and in Section 4.2.2 unless otherwise approved by DPER. Drainage easements for this system must be secured from downstream property owners and recorded prior to engineering plan approval.

Exceptions: A tightline is not required for any *natural discharge location* where DPER approves an alternative system based on a geotechnical evaluation/recommendation from a licensed geotechnical engineer that considers cumulative impacts on the hazard area under built out conditions AND one of the following conditions can be met:

- a) The conversion of less than 1,000 square feet of pervious surface to impervious surface will be added within the *natural discharge area*, OR
- b) DPER determines that a tightline system is not physically feasible or will create a significant adverse impact based on a soils report by a geotechnical engineer.
- 11 Peak discharges for applying this requirement are determined using the approved runoff model with 15-minute time steps as

detailed in Chapter 3.

12 Acceptable discharge point means an enclosed drainage system (i.e., pipe system, culvert, or tightline) or open drainage feature (e.g., ditch, channel, swale, stream, river, pond, lake, or wetland) where concentrated runoff can be discharged without creating a significant adverse impact.

13 For the purposes of applying this exception, the *developed conditions runoff volume* is the average annual runoff volume as computed per Chapter 3. The analysis is performed using the entire period of record. The total volume is divided by the number of full water years being analyzed to determine the annual average runoff volume. Any areas assumed not to be cleared when computing the developed conditions runoff volume must be set aside in an open space tract or covenant in order for the proposed project to qualify for this exception. Preservation of existing forested areas in Landslide Hazard Drainage Areas is encouraged.

Chapter 13.10 DEFINITIONS

13.10.010 Scope of chapter. 13.10.020 Adjustment. 13.10.030 AKART. 13.10.040 Applicant. 13.10.050 Basin. 13.10.060 Basin plan. <u>13.10.070</u> Best management practices. 13.10.080 13.10.090 Closed depression. 13.10.100 Clean Water Act. 13.10.110 Construct or modify. 13.10.120 Conveyance system. 13.10.130 Department. 13.10.140 Development. 13.10.150 Developed parcel. 13.10.160 Director. 13.10.170 Division. 13.10.180 Discharge. 13.10.190 Drainage. 13.10.200 Drainage facility. 13.10.210 Drainage review. 13.10.220 Effective impervious surface. 13.10.230 Erosion and sediment control. 13.10.240 Farm management plan. 13.10.250 Financial guarantee. 13.10.260 Flood hazard reduction plan. 13.10.270 Flow control best management practice. 13.10.280 Flow control facility. 13.10.290 Forest practices.

13.10.300 Full drainage review.

Sections:

| <u>13.10.310</u> | Groundwater. |
|------------------|---|
| <u>13.10.320</u> | High-use site. |
| 13.10.330 | Hydraulically connected. |
| 13.10.340 | Impervious surface. |
| <u>13.10.350</u> | Improvement. |
| 13.10.360 | Land disturbing activity. |
| 13.10.370 | Land use code. |
| <u>13.10.380</u> | Lake management plan. |
| 13.10.390 | Large project drainage review. |
| <u>13.10.400</u> | Licensed civil engineer. |
| <u>13.10.410</u> | Maintenance. |
| 13.10.420 | Master drainage plan. |
| 13.10.421 | Municipal Separate Storm Sewer Systems (MS4). |
| <u>13.10.430</u> | National Pollutant Discharge Elimination System. |
| <u>13.10.440</u> | National Pollutant Discharge Elimination System permit. |
| 13.10.450 | Native vegetated surface. |
| <u>13.10.460</u> | Natural discharge location. |
| <u>13.10.470</u> | Natural surface water drainage system. |
| 13.10.480 | New impervious surface. |
| <u>13.10.490</u> | New pervious surface. |
| <u>13.10.500</u> | Open space. |
| <u>13.10.510</u> | Parcel. |
| 13.10.520 | Person. |
| <u>13.10.525</u> | Pervious surface. |
| <u>13.10.530</u> | Pollution-generating impervious surface. |
| <u>13.10.540</u> | Pollution-generating pervious surface. |
| <u>13.10.550</u> | Project. |
| <u>13.10.560</u> | Project site. |
| <u>13.10.570</u> | Rate category. |
| <u>13.10.580</u> | Redevelopment project. |
| <u>13.10.590</u> | Replaced impervious surface. |
| <u>13.10.600</u> | Residence. |
| <u>13.10.610</u> | Residential parcel. |

| 13.10.620 | Runoff. |
|------------------|---|
| 13.10.630 | Salmon conservation plan. |
| 13.10.640 | Shared facility. |
| 13.10.650 | Service area. |
| <u>13.10.655</u> | Simplified drainage review. |
| <u>13.10.660</u> | Site. |
| 13.10.670 | Repealed. |
| <u>13.10.680</u> | Source control BMP. |
| 13.10.690 | State Waste Discharge Permit. |
| 13.10.700 | Stormwater compliance plan. |
| <u>13.10.710</u> | Stormwater plan. |
| 13.10.720 | Stormwater Pollution Prevention Manual. |
| 13.10.730 | Subbasin. |
| 13.10.740 | Surface and stormwater. |
| <u>13.10.750</u> | Surface and stormwater management services. |
| 13.10.760 | Surface and stormwater management system. |
| 13.10.770 | Surface Water Design Manual. |
| 13.10.780 | Surface water management fee protocols. |
| 13.10.790 | Treatment BMP. |
| 13.10.800 | Targeted drainage review. |
| 13.10.810 | Undeveloped parcel. |
| <u>13.10.820</u> | Water quality facility. |

13.10.421 Municipal Separate Storm Sewer Systems.

"Municipal Separate Storm Sewer Systems" or "MS4" is a conveyance or system of conveyances that is owned by the City of Sammamish that discharges to waters of the U.S., designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches), not a combined sewer, and not part of a sewage treatment plant, or publicly owned treatment works.

Chapter 13.20 SURFACE WATER RUNOFF REGULATIONS

Sections:

| 13.20.010 | Purpose. |
|------------------|--|
| 13.20.020 | Drainage review – When required – Type. |
| 13.20.030 | Drainage review – Requirements. |
| 13.20.040 | Critical drainage and/or critical erosion areas. |
| 13.20.050 | Engineering plans for the purposes of drainage review. |
| 13.20.060 | Construction timing and final approval. |
| 13.20.070 | Liability insurance required. |
| 13.20.080 | Financial guarantees authorized. |
| 13.20.090 | Drainage facilities accepted by Sammamish for maintenance. |
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| <u>13.20.110</u> | Hazards. |
| 13.20.120 | Administration. |
| <u>13.20.130</u> | Enforcement. |
| 13.20.140 | Implementation, review and revision. |
| 13.20.150 | Severability. |
| | |

13.20.010 Purpose. SHARE [] > [2]

The purpose of this chapter is to promote the public health, safety and welfare by providing for the comprehensive management of surface and stormwaters and erosion control, especially that which preserves and utilizes the many values of the City's natural drainage system including open space, fish and wildlife habitat, recreation, and education. By conducting programs to reduce flooding, erosion, and sedimentation; prevent and mitigate habitat loss; enhance groundwater recharge; and prevent water quality degradation through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance, the effectiveness of the requirements contained in this chapter will be promoted. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.020 Drainage review - When required - Type.

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- (1) Drainage review is required when any proposed project is subject to a City of Sammamish development permit or approval and:
 - (a) Would result in 2,000 square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface; or:
 - (i) Would result in 500 square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface within an historic plat as defined and mapped in Attachment B at the end of this section; or
 - (ii) Would result in 500 square feet or more of new impervious surface within a landslide hazard drainage area as defined in the adopted Sammamish Addendum to the Surface Water Design Manual; or
 - (b) Would involve 7,000 square feet or more of land disturbing activity; or
 - (c) Would construct or modify a drainage pipe or ditch that is 12 inches or more in size or depth or receives surface and stormwater runoff from a drainage pipe or ditch that is 12 inches or more in size or depth; or
 - (d) Contains or is adjacent to a flood hazard area as defined in SMC Title 15 or 21A; or
 - (e) Would result in the conversion of 1,000 square feet or more of pervious surface to impervious surface when ls located within a critical drainage area; or
 - (f) Is a redevelopment project proposing \$100,000 or more of improvements to an existing highuse site.
- (2) The drainage review for any proposed project shall be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection (1) of this section, the City shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:
 - (a) Simplified drainage review;
 - (b) Targeted drainage review;

- (c) Directed drainage review;
- (d) Full drainage review; or
- (e) Large project drainage review.

(Ord. O2016-428 § 5 (Att. C); Ord. O2015-389 § 1 (Att. A); Ord. O2011-304 § 1 (Att. A))

13.20.030 Drainage review - Requirements. [3 SHARE 13 SHARE 15 SHA

- (1) A proposed project required to have drainage review by this chapter must meet each of the following-cCore rRequirements which are described in detail in the Surface Water Design Manual and as amended by the Sammamish Addendum to the Surface Water Design Manual. : Projects subject only to simplified drainage review that meet the simplified drainage requirements specified in the Surface Water Design Manual, including flow control best management practices, erosion and sediment control measures and drainage plan submittal requirements are deemed to comply with the following core requirements:
 - (a) Core Requirement 1 Discharge at the Natural Location. All surface and stormwater runoff from a project shall be discharged at the natural location so as not to be diverted onto, or away from, downstream properties. The manner in which runoff is discharged from the project site shall not create a significant adverse impact to downhill properties or drainage systems as specified in the discharge requirements of the Surface Water Design Manual;
 - (b) Core Requirement 2—Off-Site Analysis. The initial application submittal for proposed projects shall include an off-site analysis report that assesses potential off-site drainage and water quality impacts associated with development of the proposed site and proposes appropriate mitigations to those impacts. This initial submittal shall include, at minimum, a level one downstream analysis as described in the Surface Water Design Manual. If impacts are identified, the proposed projects shall meet any applicable problem-specific requirements as specified in the Surface Water Design Manual;
 - (c) Core Requirement 3 Flow Control. Proposed projects that would result in 5,000 square feet or more of new plus replaced impervious surface or three-quarters acre or more of new pervious surface shall provide flow control facilities or flow control BMPs, or both, to control surface and stormwater runoff generated by new impervious surface, new pervious surface, replaced impervious surface and any existing impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow control facilities shall meet the area-specific

flow control facility requirements and the flow control facility implementation requirements applicable to the project site as specified in the Surface Water Design Manual. Flow control BMPs shall also be applied as specified in the Surface Water Design Manual. Projects subject to area-specific flow control facility requirements shall meet one of the flow control facility performance criteria listed in subsections (1)(c)(i) and (ii) of this section, as directed by the Surface Water Design Manual. The Inglewood, Thompson and Pine Lake Creek basins, and areas draining to the Beaver Lake basin, require level three flow control. The remainder of the City requires level two flow control unless downstream problems, as determined by the City of Sammamish, dictate the higher level of protection of level three flow control.

- (i) Level two shall meet level one criteria and also match the predeveloped site's discharge durations for the predeveloped peak discharge rates between the 50 percent of the two-year peak flow; or
- (ii) Level three shall meet level two criteria and also match the predeveloped site's peak discharge rate for the 100-year return period;
- (d) Core Requirement 4 Conveyance System. All engineered conveyance system elements for proposed projects shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual;
- (e) Core Requirement 5 Erosion and Sediment Control. All proposed projects that will clear, grade or otherwise disturb the site shall provide erosion and sediment control that prevents, to the maximum extent practicable, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied in accordance with SMC Title 16 as specified by the temporary erosion and sediment control measures and performance criteria and implementation requirements in the City of Sammamish Surface Water Design Manual;
- (f) Core Requirement 6 Maintenance and Operation. Maintenance of all drainage facilities in compliance with Sammamish maintenance standards is the responsibility of the applicant or property owner as described in the Surface Water Design Manual, except those facilities for

which Sammamish assumes maintenance and operation as described in this chapter and the Surface Water Design Manual;

- (g) Core Requirement 7 Financial Guarantees and Liability. All drainage facilities constructed or modified for projects, except downspout infiltration and dispersion systems for single-family residential lots, must comply with the liability requirements of this chapter and the financial guarantee requirements of SMC Title 27A;
- (h) Core Requirement 8 Water Quality. Proposed projects that would result in 5,000 square feet or more of new plus replaced pollution-generating impervious surface or three-quarters acre or more of new pollution-generating pervious surface shall provide water quality treatment facilities to treat polluted surface and stormwater runoff generated by new or replaced pollutiongenerating impervious surface, new pollution-generating pervious surface and any existing pollution-generating impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. However, pervious surfaces are specifically excluded if there is a good faith agreement with the King Conservation District to implement a farm management plan for agricultural uses, and pervious areas for other uses are specifically excluded if the City of Sammamish approves a landscape management plan that controls pesticides and fertilizers leaving the site. Water quality treatment facilities shall meet the area-specific water quality treatment requirements and the water quality implementation requirements applicable to the project site as specified in the Surface Water Design Manual. The facilities specified by these requirements are designed to reduce pollutant loads according to the applicable annual average performance goals listed in subsections (1)(h)(i) through (iv) of this section for 95 percent of the annual average runoff volume:
 - (i) For basic water quality: remove 80 percent of the total suspended solids;
 - (ii) For enhanced basic water quality: remove 50 percent of the total zinc;
 - (iii) For sensitive lake protection: remove 50 percent of the total phosphorus; and
 - (iv) For sphagnum bog protection: remove 50 percent of the total phosphorus and 40 percent of the total nitrate plus nitrite. The discharge shall maintain a pH of less than 6.5 and an alkalinity of less than 10 milligrams per liter;

- (i) Core Requirement 9 Flow Control BMPs. Proposed projects that would result in 2,000 square feet or more of new plus replaced impervious surface or 7,000 square feet or more of land disturbing activity shall provide on-site flow control BMPs to mitigate the impacts of surface and stormwater runoff generated by new impervious surface, new pervious surface, existing impervious surfaces, and replaced impervious surface targeted for mitigation as specified in the Surface Water-Design Manual.
- (2) A proposed project required by this chapter to have drainage review shall meet any of the following sSpecial rRequirements which apply to the site and which are described in detail in the Surface Water Design Manual.

 The City shall verify if a proposed project is subject to and must meet any of the following special requirements.
 - (a) Special Requirement 1 Other Adopted Area-Specific Requirements. If a proposed project is in a designated critical drainage area, or is in an area included in an adopted master drainage plan, basin plan, salmon conservation plan, stormwater compliance plan, flood hazard reduction plan, lake management plan or shared facility plan, then the proposed project shall meet the applicable drainage requirements of the critical drainage area, master drainage plan, basin plan, salmon conservation plan, stormwater compliance plan, flood hazard reduction plan, lake management plan or shared facility plan;
 - (b) Special Requirement 2 Floodplain/Floodway Delineation. If a proposed project contains or is adjacent to a stream, lake, wetland or closed depression, or if other City regulations require study of flood hazards relating to the proposed project, the 100-year floodplain boundaries and floodway shall be determined and delineated on the site improvement plans and profiles and any final maps prepared for the proposed project. The flood hazard study shall be prepared for as specified in the Surface Water Design Manual:
 - (c) Special Requirement 3 Flood Protection Facilities. If a proposed project contains or is adjacent to a stream that has an existing flood protection facility, such as a levee, revetment or berm, or proposes to either construct a new or modify an existing flood protection facility, then the flood protection facilities shall be analyzed and designed as specified in the Surface Water Design Manual to conform with the Federal Emergency Management Agency regulations as found in 44 C.F.R.;
 - (d) Special Requirement 4 Source Control. If a proposed project requires a commercial building or commercial site development permit, then water quality source controls shall be

applied to prevent rainfall and runoff from coming into contact with pollutants to the maximum extent practicable. Water quality source controls shall be applied in accordance with this chapter, the Stormwater Pollution Prevention Manual and the Surface Water Design Manual. All structural source controls shall be identified on the site improvement plans and profiles or final maps prepared for the proposed project; and

(e) Special Requirement 5 — Oil Control. If a proposed project is a high-use site or is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual.

(3)(a) An adjustment to the requirements contained in this section or other requirements in the Surface Water Design Manual may be proposed in accordance to the terms and conditions for Drainage Adjustment in the Surface Water Design Manual. The resulting development shall be subject to all of the remaining terms and conditions of this chapter and the adjustment shall:

- (i) Produce a compensating or comparable result in the public interest; and
- (ii) Meet this chapter's objectives of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.
- (b) If complying with subsection (3)(a)(i) of this section will deny all reasonable use of a property, the best practicable alternative shall be obtained as determined by the director according to the adjustment process defined in the Surface Water Design Manual.
- (c) Requests for adjustments that may conflict with any other City requirement shall require review and concurrence by the applicable City department.
- (d) A request for an adjustment is a Type 1 land use decision as provided for in SMC Title <u>20</u> and shall be processed in accordance with the procedures specified in the Surface Water Design Manual.
- (e) The City may require monitoring of experimental designs and technology or untested applications proposed by the applicant in order to determine compliance with subsection (3)(a) of this section and the approved plans and conditions.

(f) An adjustment decision may be appealed by following the appeal procedures as specified in the Surface Water Design Manual. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

(4) Proposed subdivision projects shall include outreach and education materials to support the continued maintenance and operation of low impact development best management practices. Such materials shall include an on-site educational kiosk located in a high foot traffic area of the development, educational brochures and handouts, noticing on title, noticing on the final plat of maintenance and operations responsibility, and noticing in the Covenants, Conditions, and Restrictions, when any are applicable.

13.20.040 Critical drainage and/or critical erosion areas.

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Development in areas where the department has determined that the existing flooding, drainage and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community shall meet special drainage requirements set by the director until such time as the community hazard is alleviated. Such conditions may include the limitation of the volume of discharge from the subject property to predevelopment levels, preservation of wetlands or other natural drainage features or other controls necessary to protect against community hazard. Critical Drainage Areas are defined in Chapter 21A.15 SMC. Development proposed in critical drainage areas requiring drainage review shall not qualify for any exemptions or exceptions from Core Requirements 2 or 9 core or special requirements in the Surface Water Design Manual unless approved by the director. Where alternate facility designs or methods will produce a compensating or comparable result in the public interest and which will meet this section's objectives of safety, function, appearance, environmental protection and maintainability, based upon sound engineering judgment, an adjustment to the special drainage requirements promulgated under this section may be proposed; provided, that the resulting development shall be subject to all of the remaining terms and conditions of this chapter. Where application of this section will deny all reasonable use of a property and a facility or design that produces a compensating or comparable result cannot be obtained, then an adjustment criterion exception may be approved in accordance to the process as required in the Surface Water Design Manual. This process includes, but is not limited to, legal noticing, public comment period, and reconsideration request. a best practicable alternative may be approved by the director according to the adjustment process defined in the Surface Water Design Manual.-These standards are in addition to the applicable standards of Chapter 21A.50 SMC. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.050 Engineering plans for the purposes of drainage review. 🚨 SHARE 📑 🖫 🖾

(1) These requirements are in addition to the submittal requirements established by Chapter 20.05 SMC.

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- (a) All engineering plans shall be submitted to the City for review in accordance with the Surface Water Design Manual except those drainage plans developed by, or under the review of, the City of Sammamish department of public works for either surface and stormwater capital improvement, repair, maintenance or restoration projects or other linear government agency projects, such as roadways, railways, pipelines, utility lines and trails.
- (b) If engineering plans are returned for any reason, they shall be returned to the applicant.
- (c) All master drainage plans, if required, shall be submitted to the City for review in accordance with the specifications in the Surface Water Design Manual. The master drainage plan process should commence at the same time as the State Environmental Policy Act (SEPA) process.
- (d) Drainage plans not subject to review by the City under subsection (1)(a) of this section shall be reviewed by the department of public works in accordance with this chapter. Project applicability and compliance with this chapter shall be documented in writing and available for review.
- (2) The expiration time frames as specified in the Surface Water Design Manual shall apply to all permit and approval applications.
- (3) All plans shall be processed in accordance with the review procedures specified in the Surface Water Design Manual.
- (4) Submittal procedures, definitions and specifications for the required contents of engineering plans are presented in the Surface Water Design Manual. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.060 Construction timing and final approval. SHARE SHARE

- (1) No work related to permanent or temporary storm drainage control for a permitted development may proceed without the approval of the director.
- (2) Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:
 - (a) Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan; and

- (b) Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and approvals for the project are completed and the potential for onsite erosion has passed.
- (3) The applicant shall have constructed and have in operation those portions of the drainage facilities necessary to accommodate the control of surface and stormwater runoff discharging from the site before the construction of any other improvements or buildings on the site, or in accordance with SMC Title 19A. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.070 Liability insurance required. 🚨 SHARE 🔝 🗷 💆

The applicant required to construct the drainage facility pursuant to this chapter shall maintain a combined single limit per occurrence liability policy in the amount established annually by the City, which shall name City as an additional insured and protect the City from liability relating to the construction or maintenance of the facility until construction approval or acceptance for maintenance, whichever is last. Proof of this required liability policy shall be provided to the director prior to commencing construction of any drainage facility. If this liability insurance is not kept in effect as required, the City may initiate enforcement action pursuant to SMC Title 23. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.080 Financial guarantees authorized. SHARE IS SHARE

The City is authorized to require all applicants issued permits or approvals under the provisions of this title to post financial guarantees consistent with the provisions of SMC Title <u>27A</u>. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.090 Drainage facilities accepted by Sammamish for maintenance.

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- (1) The City is responsible for the maintenance, including performance and operation, of drainage facilities which have formally been accepted for maintenance by the director.
- (2) The City may assume maintenance of privately maintained drainage facilities only if (a) the City first determines that a clear public benefit will result, greater in scope than the public cost, from the use of public resources to participate wholly or partially in the maintenance of a private storm or surface water drainage system component, and (b) all of the following conditions have been met:
 - (a) All necessary easements or dedications entitling the City to properly maintain the drainage facility have been conveyed to the City;

| (b) The director has determined that the facility is in the dedicated public road right-of-way or |
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| that maintenance of the facility will contribute to protecting or improving the health, safety and |
| welfare of the community based upon review of the existence of or potential for: |
| (i) Flooding, |
| (ii) Downstream erosion, |
| (iii) Property damage due to improper function of the facility, |
| (iv) Safety hazard associated with the facility, |
| (v) Degradation of water quality or in-stream resources, or |
| (vi) Degradation to the general welfare of the community; and |
| (c) The director has declared in writing acceptance of maintenance responsibility by the City. |
| Copies of this document will be kept on file in the department of public works. |
| (3) The director may terminate the department's assumption of maintenance responsibilities in writing after |
| determining that continued maintenance will not significantly contribute to protecting or improving the health, |
| safety and welfare of the community based upon review of the existence of or potential for: |
| (a) Flooding; |
| (b) Downstream erosion; |
| (c) Property damage due to improper function of the facility; |
| (d) Safety hazard associated with the facility; |
| (e) Degradation of water quality or in-stream resources; or |
| (f) Degradation to the general welfare of the community. |
| Copies of this document will be kept on file in the department of public works. |

(4) A drainage facility which does not meet the criteria of this section shall remain the responsibility of the applicant required to construct the facility and persons holding title to the property for which the facility was required. (Ord. O2017-432 § 1 (Att. A); Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.100 Drainage facilities not accepted by Sammamish for maintenance.



- (1) The person or persons holding title to the property and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance in accordance with the standards and requirements of the department and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility which is:
 - (a) Under a maintenance guarantee or defect guarantee;
 - (b) A private road conveyance system;
 - (c) Released from all required financial guarantees prior to July 7, 1980;
 - (d) Located within and serving only one single-family residential lot;
 - (e) Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;
 - (f) Located within or associated with a short subdivision or subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;
 - (g) Previously terminated for assumption of maintenance responsibilities by the department in accordance with this chapter; or
 - (h) Not otherwise accepted by the City for maintenance.
- (2) Prior to the issuance of any of the permits for any multifamily or commercial project required to have a flow control or water quality treatment facility, the applicant shall record a declaration of covenant as specified in the Surface Water Design Manual. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the persons holding title to the property of a City determination that maintenance and/or repairs are necessary to the facility and a reasonable time limit in which such work is to be completed.

- (a) In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse the City for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the records and licensing services division of King County.
- (b) The City may enforce the restrictions set forth in the declaration of covenant provided in the Surface Water Design Manual.
- (3) Prior to the issuance of any of the permits and/or approvals for the project or the release of financial guarantees posted to guarantee satisfactory completion, the person or persons holding title to the subject property for which a drainage facility was required shall pay a fee established by the director as set forth in the City resolution to reasonably compensate the City for costs relating to inspection of the facility to ensure that it has been constructed according to plan and applicable specifications and standards.
- (4) The duties specified in this section with regard to payment of inspection fees and reimbursement of maintenance costs shall be enforced against the person or persons holding title to the property for which the drainage facility was required.
- (5) Where not specifically defined in this section, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems, both natural and constructed, shall be determined on a case-by-case basis. In any such case-by-case analyses, the City shall only be responsible for the performance, operation and maintenance of drainage facilities and conveyance systems if a determination is first made pursuant to the criteria set forth in SMC 13.20.090(2) as now in effect or as may be subsequently amended. (Ord. O2017-432 § 1 (Att. A); Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.110 Hazards. C SHARE [19 22]

Whenever the director determines that any existing construction site, erosion and sedimentation problem and/or drainage facility poses a hazard to life and limb, endangers any property, and/or adversely affects the condition or capacity of other drainage facilities, the safety and operation of City right-of-way, utilities, and/or other property owned or maintained by the City, the applicant/person to whom the permit was issued pursuant to this chapter, the owner of the property within which the drainage facility is located, the applicant/person responsible for maintenance of the facility, and/or other person or agent in control of said property, upon receipt of notice in writing from the director, shall within the period specified therein repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.

Should the director have reasonable cause to believe that the situation is so adverse as to preclude written notice, the director may take the measures necessary to eliminate the hazardous situation; provided, that the director shall first make a reasonable effort to locate the owner before acting. In such instances the applicant of whom a drainage plan was required pursuant to this chapter, the owner of the property and/or the person responsible for the maintenance of the facility shall be obligated for the payment of all costs incurred. If costs are incurred and a financial guarantee pursuant to this chapter or other City requirement has been posted, the director shall have the authority to collect against the financial guarantee to cover costs incurred. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.120 Administration. C SHARE IS Y SALL

- (1) Administration.
 - (a) The director is authorized to promulgate and adopt administrative rules under the procedures specified in Chapter <u>2.55</u> SMC, for the purpose of implementing and enforcing the provisions of this chapter. Adopted administrative rules are available to the public from the department of public works. This includes, but is not limited to, the Surface Water Design Manual.
 - (b) The director is authorized to develop procedures for applying adopted rules and regulations during the review of permit applications for the development of land. These procedures may also be contained in the Surface Water Design Manual.
- (2) Inspections. The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.
- (3) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of drainage facilities or whenever the director has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the director may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided, that if such premises or portion thereof is occupied, the director shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.
- (4) Access. Proper ingress and egress shall be provided to the director to inspect, monitor or perform any duty imposed upon the director by this chapter. The director shall notify the responsible party in writing of failure to

comply with this access requirement. Failing to obtain a response within seven days from the receipt of notification, the director may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in causing such work to be done shall thereby be imposed on the person holding title to the subject property. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.130 Enforcement. SHARE SHARE

The City is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of SMC Title 23. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.140 Implementation, review and revision. 🔼 SHARE 🛮 🗓 💆 🛄

The department may administer a training program for users of the Surface Water Design Manual. The department may also conduct an ongoing research program to evaluate the effectiveness of the requirements in meeting the purpose of this chapter. This research program may examine, but not be limited to, hydrologic and hydraulic analysis methods, stream geomorphologic analysis methods, water quality, best management practices and erosion and sediment control measures. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.150 Severability. SHARE STARE

If any provision of this chapter or its application to any person or property is held invalid, the remainder of the chapter or the application of the provision to other persons or property shall not be affected. (Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

Chapter 13.30 WATER QUALITY

Sections:

| <u>13.30.010</u> | Purpose. |
|------------------|---|
| 13.30.020 | Discharges into waters. |
| 13.30.030 | Stormwater Pollution Prevention Manual. |
| 13.30.040 | Enforcement. |
| 13.30.050 | Hazards. |
| 13.30.060 | Criminal penalty. |
| 13.30.070 | Civil penalties for water quality. |
| 13.30.080 | Construction – Intent. |

13.30.010 Purpose. SHARE 19 3

The purpose of this chapter is to protect the City's surface and groundwater quality by providing minimum requirements for reducing and controlling the discharge of contaminants. The City council recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this chapter prohibits the discharge of contaminants into surface and stormwater and groundwater, and outlines preventive measures to restrict contaminants from entering such waters. These measures include the implementation of best management practices (BMPs) by the residents of the City of Sammamish.

The City council finds this chapter is necessary to protect the health, safety and welfare of the residents of Sammamish and the integrity of the City's resources for the benefit of all by: minimizing or eliminating water quality degradation; preserving and enhancing the suitability of waters for recreation, fishing, and other beneficial uses; and preserving and enhancing the aesthetic quality and biotic integrity of the water. The City council recognizes that implementation of this chapter is required under the federal Clean Water Act, 33 U.S.C. 1251 et seq. In meeting the intent of the Clean Water Act the City council also recognizes the importance of maintaining economic viability while providing necessary environmental protection and believes this chapter helps achieve both goals. (Ord. O2011-304 § 1 (Att. A))

13.30.020 Discharges into waters. SHARE IS SHARE

(1)(a) It is unlawful for any person to discharge any contaminants into surface and stormwater, groundwater or Puget Sound. Contaminants include, but are not limited to, the following:

| (i) Trash or debris; |
|---|
| (ii) Construction materials; |
| (iii) Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil; |
| (iv) Antifreeze and other automotive products; |
| (v) Metals in either particulate or dissolved form; |
| (vi) Flammable or explosive materials; |
| (vii) Radioactive material; |
| (viii) Batteries; |
| (ix) Acids, alkalis, or bases; |
| (x) Paints, stains, resins, lacquers or varnishes; |
| (xi) Degreasers and solvents; |
| (xii) Drain cleaners; |
| (xiii) Pesticides, herbicides or fertilizers; |
| (xiv) Steam cleaning wastes; |
| (xv) Soaps, detergents or ammonia; |
| (xvi) Swimming pool backwash; |
| (xvii) Chlorine, bromine and other disinfectants; |
| (xviii) Heated water; |
| (xix) Domestic animal wastes; |
| (xx) Sewage; |

| (xxi) Recreational vehicle waste; |
|---|
| (xxii) Animal carcasses; |
| (xxiii) Food wastes; |
| (xxiv) Bark and other fibrous materials; |
| (xxv) Collected lawn clippings, leaves or branches; |
| (xxvi) Silt, sediment or gravel; |
| (xxvii) Dyes, except as stated in subsection (4)(a) of this section; |
| (xxviii) Chemicals not normally found in uncontaminated water; |
| (xxix) Any hazardous material or waste not listed above. |
| (b) Illicit Connections. Any connection identified by the director that could convey anything not |
| composed entirely of surface and stormwater directly to surface and stormwater or groundwater |
| is considered an illicit connection and is prohibited with the following exceptions: |
| (i) Connections conveying allowable discharges; |
| (ii) Connections conveying discharges pursuant to an NPDES permit, other than an |
| NPDES stormwater permit, or a State Waste Discharge Permit; and |
| (iii) Connections conveying effluent from on-site sewage disposal systems to subsurface soils. |
| (2) BMPs shall be applied to any business or residential activity that might result in prohibited discharges as |
| specified in the Stormwater Pollution Prevention Manual or as determined necessary by the director. Activities |
| that might result in prohibited discharges include but are not limited to the following: |
| (a) Potable water line flushing; |
| (b) Lawn watering with potable water; |
| (c) Dust control with potable water; |

| | (d) Automobile and boat washing; |
|----------------|--|
| | (e) Pavement and building washing; |
| | (f) Swimming pool and hot tub maintenance; |
| | (g) Auto repair and maintenance; |
| | (h) Building repair and maintenance; |
| | (i) Landscape maintenance; |
| | (j) Hazardous waste handling; |
| | (k) Solid and food waste handling; and |
| | (I) Application of pesticides. |
| | |
| | ng types of discharges shall not be considered prohibited discharges for the purpose of this |
| chapter unless | ng types of discharges shall not be considered prohibited discharges for the purpose of this the director determines that the type of discharge, whether singly or in combination with othe causing significant contamination of surface and stormwater or groundwater: |
| chapter unless | the director determines that the type of discharge, whether singly or in combination with other |
| chapter unless | the director determines that the type of discharge, whether singly or in combination with other causing significant contamination of surface and stormwater or groundwater: |
| chapter unless | the director determines that the type of discharge, whether singly or in combination with other causing significant contamination of surface and stormwater or groundwater: (a) Spring water; |
| chapter unless | the director determines that the type of discharge, whether singly or in combination with other causing significant contamination of surface and stormwater or groundwater: (a) Spring water; (b) Diverted stream flows; |
| chapter unless | the director determines that the type of discharge, whether singly or in combination with other causing significant contamination of surface and stormwater or groundwater: (a) Spring water; (b) Diverted stream flows; (c) Uncontaminated water from crawl space pumps, foundation drains or footing drains; |
| chapter unless | the director determines that the type of discharge, whether singly or in combination with other causing significant contamination of surface and stormwater or groundwater: (a) Spring water; (b) Diverted stream flows; (c) Uncontaminated water from crawl space pumps, foundation drains or footing drains; (d) Lawn watering with potable water or collected rainwater; |
| chapter unless | the director determines that the type of discharge, whether singly or in combination with other causing significant contamination of surface and stormwater or groundwater: (a) Spring water; (b) Diverted stream flows; (c) Uncontaminated water from crawl space pumps, foundation drains or footing drains; (d) Lawn watering with potable water or collected rainwater; (e) Pumped groundwater flows that are uncontaminated; |
| chapter unless | the director determines that the type of discharge, whether singly or in combination with other causing significant contamination of surface and stormwater or groundwater: (a) Spring water; (b) Diverted stream flows; (c) Uncontaminated water from crawl space pumps, foundation drains or footing drains; (d) Lawn watering with potable water or collected rainwater; (e) Pumped groundwater flows that are uncontaminated; (f) Materials placed as part of an approved habitat restoration or bank stabilization project; |

- (i) The following discharges from boats: engine exhaust; cooling waters; effluent from sinks; showers and laundry facilities; and treated sewage from Type I and Type II marine sanitation devices;
- (j) Collected rainwater that is uncontaminated;
- (k) Uncontaminated groundwater that seeps into or otherwise enters stormwater conveyance systems;
- (I) Air conditioning condensation;
- (m) Irrigation water from agricultural sources that is commingled with stormwater runoff; and
- (n) Other types of discharges as determined by the director.
- a) Diverted stream flows
- b) Rising ground waters
- c) Uncontaminated ground water infiltration other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes.
- d) Uncontaminated pumped ground water
- e) Foundation drains
- f) Air conditioning condensation
- g) Irrigation water from agricultural sources that is commingled with urban stormwater
- h) Springs
- i) Uncontaminated water from crawl space pumps
- j) Footing drains
- k) Flows from riparian habitats and wetlands
- I) Non-stormwater discharges authorized by another NPDES or state waste discharge permit
- m) Discharges from emergency fire fighting activities in accordance with Washington State
 Department of Ecology NPDES Permit Authorized Discharges
- n) Discharges from potable water sources, including but not limited to water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4.

- Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through water conservation efforts.
- p) Dechlorinated swimming pool, spa and hot tub discharges. The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
- q) Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. These discharges shall minimize the amount of street wash and dust control water used.
- Other non-stormwater discharges. The discharges shall be in compliance with the
 requirements of a pollution prevention plan reviewed by the City, which addresses control of
 such discharges.
- (4)(a) Dye testing is allowable but requires verbal notification to the City at least one day prior to the date of test. The City is exempt from this requirement.
 - (b) A person does not violate subsection (1) of this section if:
 - (i) That person has properly designed, constructed, implemented and is maintaining BMPs and is carrying out AKART as required by this chapter, but contaminants continue to enter surface and stormwater or groundwater; or
 - (ii) That person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.
 - (c) A person who, under subsection (4)(b) of this section, is not in violation of subsection (1) of this section is liable for any prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs or other discharges that allow contaminants to enter surface and stormwater or groundwater.
 - (d) Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter in order to avoid an imminent threat to public health or safety shall be exempt from this section. The director by public rule may specify actions that qualify for this exception in City procedures. A person undertaking

emergency response activities shall take steps to ensure that the discharges resulting from such activities are minimized. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence. (Ord. O2011-304 § 1 (Att. A))

13.30.030 Stormwater Pollution Prevention Manual. SHARE SHARE

- (1) Compliance with this chapter shall be achieved through the use of the best management practices described in the Stormwater Pollution Prevention Manual in effect on May 24, 2011 (effective date of the ordinance codified in this chapter). In applying the Stormwater Pollution Prevention Manual, the director shall first require the implementation of source control BMPs. If these are not sufficient to prevent contaminants from entering surface and stormwater or groundwater, the director may require implementation of treatment BMPs as set forth in AKART. The City will provide, upon reasonable request, available technical assistance materials and information, and information on outside financial assistance options to persons required to comply with this chapter.
- (2) In applying the Stormwater Pollution Prevention Manual to prohibited discharges from normal single-family residential activities, the director shall use public education and warnings as the primary method of gaining compliance with this chapter and shall not use citations, notice and orders, assessment of civil penalties and fines, or other compliance actions as authorized in SMC Title <u>23</u>, unless the director determines:
 - (a) The discharge from a normal single-family residential activity, whether singly or in combination with other discharges, is causing a significant contribution of contaminants to surface and stormwater or groundwater; or
 - (b) The discharge from a normal single-family residential activity poses a hazard to the public health, safety or welfare, endangers any property or adversely affects the safety and operation of City right-of-way, utilities or other City-owned or maintained property.
- (3) Persons implementing BMPs through another federal, state or local program will not be required to implement the BMPs prescribed in the City's Stormwater Pollution Prevention Manual, unless the director determines the alternative BMPs are ineffective at reducing the discharge of contaminants. If the other program requires the development of a stormwater pollution prevention plan or other best management practices plan, the person shall make the plan available to the City upon request. Persons who qualify for exemptions include, but are not limited to, persons:

- (a) Required to obtain a general or individual NPDES permit from the Washington State Department of Ecology;
- (b) Implementing and maintaining, as scheduled, a King Conservation District-approved farm management plan;
- (c) Implementing BMPs in compliance with the management program of the City's municipal NPDES permit;
- (d) Engaged in forest practices, with the exception of forest practices occurring on lands platted after January 1, 1960, or on lands being converted to another use or when regulatory authority is otherwise provided to local government by RCW <u>76.09.240</u>; or
- (e) Identified by the director as being exempt from this section. (Ord. O2011-304 § 1 (Att. A))

13.30.040 Enforcement. SHARE SHARE

- (1) The director is authorized to carry out enforcement actions pursuant to the enforcement and penalty provisions of SMC Title <u>23</u> and other enforcement provisions adopted by rule under the procedures of Chapter 2.55 SMC.
- (2) The director shall gain compliance with this chapter by requiring the implementation of operational and/or source control BMPs and, when necessary, AKART. Source control BMPs are in Volume IV of the *Stormwater Management Manual for Western Washington*. The director may also require maintenance of stormwater facilities which discharge into the MS4 in accordance with maintenance standards established in the Surface Water Design Manual. The director shall initially rely on education and informational assistance as much as possible to gain compliance with this chapter, unless the director determines a violation is a result of a flagrant act that should be addressed through immediate penalties or poses a hazard as defined in the hazards section (SMC 13.30.050).
- (3) The director, in consultation with other departments of the City government, shall develop and implement additional enforcement procedures. These procedures shall indicate how the City will investigate and respond to reports or instances of noncompliance with this chapter and shall identify by title the official(s) responsible for implementing the enforcement procedures.
- (4) The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter. Such inspections shall be made in accordance with SMC Title 23.

- (a) The director may observe best management practices or examine or sample surface and stormwater or groundwater as often as may be necessary to determine compliance with this chapter. Whenever an inspection of a property is made, the findings shall be recorded and a copy of the inspection findings shall be furnished to the owner or the person in charge of the property after the conclusion of the investigation and completion of the inspection findings.
- (b) When the director has made a determination under subsection (4)(a) of this section that any person is violating this chapter, the director may require the violator to sample and analyze any discharge, surface and stormwater, groundwater, and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the director. If the violator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the City of Sammamish department of public works.
- (5) In addition to any other penalty or method of enforcement, the prosecuting attorney may bring actions for injunctive or other relief to enforce this chapter. (Ord. O2011-304 § 1 (Att. A))

13.30.050 Hazards. SHARE 1 3 2 2 2

Whenever the director determines that any violation of this chapter poses a hazard to public health, safety, or welfare; endangers any property; or adversely affects the safety and operation of City right-of-way, utilities, and/or other property owned or maintained by the City; the person holding title to the subject property, and/or other person or agent in control of said property, upon receipt of notice in writing from the director shall within the period specified therein address the cause of the hazardous situation in conformance with the requirements of this chapter.

Notwithstanding any other provisions of this chapter, whenever it appears to the director that conditions covered by this chapter exist requiring immediate action to protect the public health and/or safety, the director is authorized to enter at all times in or upon any such property, public or private, for the purpose of inspecting and investigating such emergency conditions. The director may without prior notice order the immediate discontinuance of any activity leading to the emergency condition. Failure to comply with such order shall constitute a misdemeanor as specified in SMC Title 23. (Ord. O2011-304 § 1 (Att. A))

13.30.060 Criminal penalty. SHARE IS y 🖾 🔝

Any willful violation of an order issued pursuant to SMC <u>13.30.040</u> or <u>13.30.050</u> for which a criminal penalty is not prescribed by state law is a misdemeanor. (Ord. O2011-304 § 1 (Att. A))

13.30.070 Civil penalties for water quality. SHARE SHARE STATE

The enforcement provisions for water quality are intended to encourage compliance with this chapter. To achieve this, violators will be required to take corrective action and comply with the requirements of this chapter, and may be required to pay a civil penalty for the redress of ecological, recreational, and economic values lost or damaged due to their unlawful action.

- (1) The provisions in this section are in addition to and not in lieu of any other penalty, sanction or right of action provided by law.
- (2) Any person in violation of this chapter shall be subject to civil penalties assessed as follows:
 - (a) An amount reasonably determined by the director to be equivalent to the economic benefit the violator derives from the violation as measured by: the greater of the resulting increase in market value of the property or business value received by the violator, or savings of construction or retrofitting costs realized by the violator performing any act in violation of this chapter; and
 - (b) An amount, not to exceed \$25,000, that is reasonably based upon the nature and gravity of the violation and the cost to the City of enforcing this chapter against the violator.
- (3) Any person who, through an act of commission or omission, aids or abets in a violation shall be considered to have committed the violation for the purposes of the civil penalty.
- (4) Each violator is jointly and severally liable for a violation of this chapter. The director may take enforcement action, in whole or in part, against any violator. The decisions whether to take enforcement action, what type of action to take, and which person to take action against, are all entirely within the director's discretion. Factors to be used in taking such enforcement actions shall be:
 - (a) Awareness of the violation;
 - (b) Ability to correct the violation;
 - (c) Cooperation with government agencies;
 - (d) Degree of impact or potential threat to water or sediment quality, human health, or the environment.

In the event more than one person is determined to have violated the provisions of this chapter, all applicable civil penalties may be imposed against each person, and recoverable damages, costs, and expenses may be allocated among the persons on any equitable basis. Factors that may be considered in determining an equitable allocation include:

- (e) Awareness of the violation;
- (f) Ability to correct the violation;
- (g) Ability to pay damages, costs, and expenses;
- (h) Cooperation with government agencies;
- (i) Degree of impact or potential threat to water or sediment quality, human health, or the environment.
- (5) The director or the director's designee may engage in mitigation discussions with the violator. The director or the director's designee may reduce the penalties based upon one or more of the following mitigating factors:
 - (a) The person responded to City attempts to contact the person and cooperated with efforts to correct the violation;
 - (b) The person showed due diligence and/or substantial progress in correcting the violation; or
 - (c) An unknown person was the primary cause of the violation.

Payment of a monetary penalty pursuant to this chapter does not relieve the person of the duty to correct the violation. (Ord. O2011-304 § 1 (Att. A))

13.30.080 Construction - Intent. SHARE SH

This chapter is enacted as an exercise of the City's power to protect and preserve the public health, safety and welfare. Its provision shall be exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. This chapter is not enacted to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

The primary obligation of compliance with this chapter is placed upon the person holding title to the property.

Nothing contained in this chapter is intended to be or shall be construed to create or form a basis for liability for

the City, the department, its officers, employees or agents for any injury or damage resulting from the failure of the person holding title to the property to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter by the City, department, its officers, employees or agents. (Ord. O2011-304 § 1 (Att. A))

Title 21A DEVELOPMENT CODE

21A.15.255 Critical drainage area. SHARE SHARE

"Critical drainage area" means an area that requires more restrictive regulation than Citycountywide standards afford in order to mitigate severe flooding, drainage, erosion, or sedimentation problems that result from the cumulative impacts of development and urbanization. Critical drainage areas include areas that drain to Pine Lake and Beaver Lake and all landslide hazard drainage areas. (Ord. O2016-429 § 2 (Att. B); Ord. O2013-350 § 1 (Att. A); Ord. O2003-132 § 10)

CITY OF SAMMAMISH SAMMAMISH ADDENDUM TO THE 2016 KING COUNTY SURFACE WATER DESIGN MANUAL

CHAPTER 1 – Drainage Review and Requirements

- Section 1.1.1 PROJECTS REQUIRING DRAINAGE REVIEW (page 1-12 of the 2016 KCSWDM) Replace the "King County Permits and Approvals" table with the following table and adding new numbers 7 and 8.
 - Projects located in landslide hazard drainage areas that will result in 500 square feet or more of new impervious surface.
 - 8. 7. Projects as listed in SMC 13.20.020.

1.2.1 CORE REQUIREMENT #1: DISCHARGE AT THE NATURAL LOCATION

2. IF a proposed project, or any *natural discharge area* within a project, is located within a *Landslide Hazard Drainage Area* and drains over the erodible soils of a *landslide hazard area* with slopes steeper than 15%, THEN a **tightline system must be provided** through the *landslide hazard area* to an acceptable discharge point unless one of the following exceptions applies. The tightline system must comply with the design requirements in Core Requirement #4 and in Section 4.2.2 unless otherwise approved by DPER. Drainage easements for this system must be secured from downstream property owners and recorded prior to engineering plan approval.

Exceptions: A tightline is not required for any *natural discharge location* where DPER approves an alternative system based on a geotechnical evaluation/recommendation from a licensed geotechnical engineer that considers cumulative impacts on the hazard area under built out conditions AND one of the following conditions can be met:

- a) The conversion of less Less than 1,000 2,000 square feet of pervious surface to impervious surface new impervious surface will be added within the natural discharge area, OR
- b) The developed conditions runoff from the *natural discharge area* is less than 0.1 cfs for the 100-year runoff event and will be infiltrated for runoff events up to and including the 100 year event,

OR

- c) The developed conditions runoff volume is from the natural discharge area is less than 50% of the existing conditions runoff volume from other areas draining to the location where runoff from the natural discharge area enters the landslide hazard area onto slopes steeper than 15%, AND the provisions of Discharge Requirement 1 are met, OR
- d) DPER determines that a tightline system is not physically feasible or will create a significant adverse impact based on a soils report by a geotechnical engineer.
- 11 Peak discharges for applying this requirement are determined using the approved runoff model with 15-minute time steps as detailed in Chapter 3.
- actained in Oriapiter 5.

 12 Acceptable discharge point means an enclosed drainage system (i.e., pipe system, culvert, or tightline) or open drainage feature (e.g., ditch, channel, swale, stream, river, pond, lake, or wetland) where concentrated runoff can be discharged without creating a significant adverse impact.
- 13 For the purposes of applying this exception, the *developed conditions runoff volume* is the average annual runoff volume as computed per Chapter 3. The analysis is performed using the entire period of record. The total volume is divided by the number of full water years being analyzed to determine the annual average runoff volume. Any areas assumed not to be cleared when computing the developed conditions runoff volume must be set aside in an open space tract or covenant in order for the proposed project to qualify for this exception. Preservation of existing forested areas in Landslide Hazard Drainage Areas is encouraged.

Exhibit 3

Stormwater Code Definitions

21A.15.255 Critical drainage area.

"Critical drainage area" means an area that requires more restrictive regulation than countywide standards afford in order to mitigate severe flooding, drainage, erosion, or sedimentation problems that result from the cumulative impacts of development and urbanization. Critical drainage areas include areas that drain to Pine Lake and Beaver Lake and all landslide hazard drainage areas. (Ord. O2016-429 § 2 (Att. B); Ord. O2013-350 § 1 (Att. A); Ord. O2003-132 § 10)

21A.15.681 Landslide hazard drainage area.

"Landslide hazard drainage area" means a critical drainage area applied to sites where overland flows pose a significant threat to health and safety because of their close proximity to a landslide hazard area as defined by SMC 21A.15.680. (Ord. O2016-429 § 2 (Att. B))

13.10.480 New impervious surface.

"New impervious surface" means the creation of a hard or compacted surface such as roofs, pavement, gravel or dirt or the addition of a more compacted surface such as the paving of existing dirt or gravel. Permeable pavement and vegetated roofs are considered new impervious surface for purposes of determining whether the thresholds for application of minimum requirements are exceeded, as are lawns, landscaping, sports fields, golf courses, and other areas that have modified runoff characteristics resulting from the addition of underdrains designed to collect stormwater runoff. Open, uncovered retention/detention facilities shall not be considered impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.490 New pervious surface.

"New pervious surface" means the conversion of a native vegetated surface or other native surface to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of existing nonnative pervious surface that results in increased surface and stormwater runoff as defined in the Surface Water Design Manual. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.530 Pollution-generating impervious surface.

"Pollution-generating impervious surface" means an impervious surface considered to be a significant source of pollutants in surface and stormwater runoff. "Pollution-generating impervious surface" includes those surfaces subject to vehicular use or storage of erodible or leachable materials, wastes or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall. A covered parking area would be included if runoff from uphill could regularly run through it or if rainfall could regularly blow in and wet the pavement surface. Metal roofs are also considered pollution-generating impervious surfaces unless they are treated to prevent leaching. Pollution-generating impervious surfaces include roofs that are exposed to the venting of significant amounts of dusts, mists, or fumes from manufacturing, commercial, or other indoor activities. They also include vegetated roofs exposed to pesticides, fertilizers, or loss of soil. Lawns, landscaping, sports fields, golf courses, and other areas that have modified runoff characteristics resulting from the addition of underdrains that have the pollution-generating characteristics described under the "pollution-generating pervious surface" definition are also considered PGIS. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

Exhibit 3

13.10.540 Pollution-generating pervious surface.

"Pollution-generating pervious surface" means a nonimpervious surface considered to be a significant source of pollutants in surface and stormwater runoff. "Pollution-generating pervious surfaces" include surfaces subject to the use of pesticides and fertilizers, to the use or storage of erodible or leachable materials, wastes or chemicals or to the loss of soil. "Pollution-generating pervious surface" includes, but is not limited to, the lawn and landscaped areas of a residential or commercial site, golf course, park, sports field and City-standard grassed modular grid pavement. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.580 Redevelopment project.

"Redevelopment project" means a project that proposes to add, replace or modify impervious surface for purposes other than a residential subdivision or maintenance on a site that:

- (1) Is already substantially developed in a manner that is consistent with its current zoning or with a legal nonconforming use; or
- (2) Has an existing impervious surface coverage of 35 percent or more. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.590 Replaced impervious surface.

"Replaced impervious surface" means an existing impervious surface proposed to be removed and reestablished as impervious surface, excluding impervious surface removed for the sole purpose of installing utilities or performing maintenance on underground infrastructure. For structures, "removed" means the removal of buildings down to the foundation. For other impervious surfaces, "removed" means the removal down to base course or bare soil. It does not include the removal of pavement material through grinding or other surface modification unless the entire layer of PCC or AC is removed. Replaced impervious surface also includes impervious surface that is moved from one location to another on the project site where the following two conditions are met: (1) the area from which the impervious surface is moved from will be restored to the same or better runoff discharge characteristics as the area being covered by the moved impervious surface, and (2) impervious surface at the new location is either designated as non-pollution-generating or the pollution-generating characteristics remain unchanged compared to that of the original location. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.320 High-use site.

"High-use site" means a commercial, industrial or road intersection site that generates a higher than average number of vehicle turnovers or has other characteristics that generate the potential for chronic oil accumulation. "High-use site" includes:

- (1) A commercial or industrial site subject to:
 - (a) An expected daily traffic count greater than 100 vehicles per 1,000 square feet of gross building area;
 - (b) Petroleum storage or transfer in excess of 1,500 gallons per year, not including routine fuel oil storage or transfer; or
 - (c) Use, storage or maintenance of a fleet of 25 or more diesel vehicles each weighing over 10 tons; or
- (2) A road intersection with average daily traffic counts of 25,000 vehicles or more on the main roadway and 15,000 or more vehicles on any intersecting roadway, excluding pedestrian or bicycle use improvement projects. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.580 Redevelopment project.

"Redevelopment project" means a project that proposes to add, replace or modify impervious surface for purposes other than a residential subdivision or maintenance on a site that:

- (1) Is already substantially developed in a manner that is consistent with its current zoning or with a legal nonconforming use; or
- (2) Has an existing impervious surface coverage of 35 percent or more. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

Legal Definition of "Reasonable Use"

A "regulatory taking" may occur when the City regulates or limits the use of property under the government's police power authority in such a way as to destroy one or more of the fundamental attributes of ownership (the right to possess, exclude others, and to dispose of property), deny all reasonable economic use of the property, or require the property owner to provide a public benefit rather than addressing some public impact caused by a proposed use.

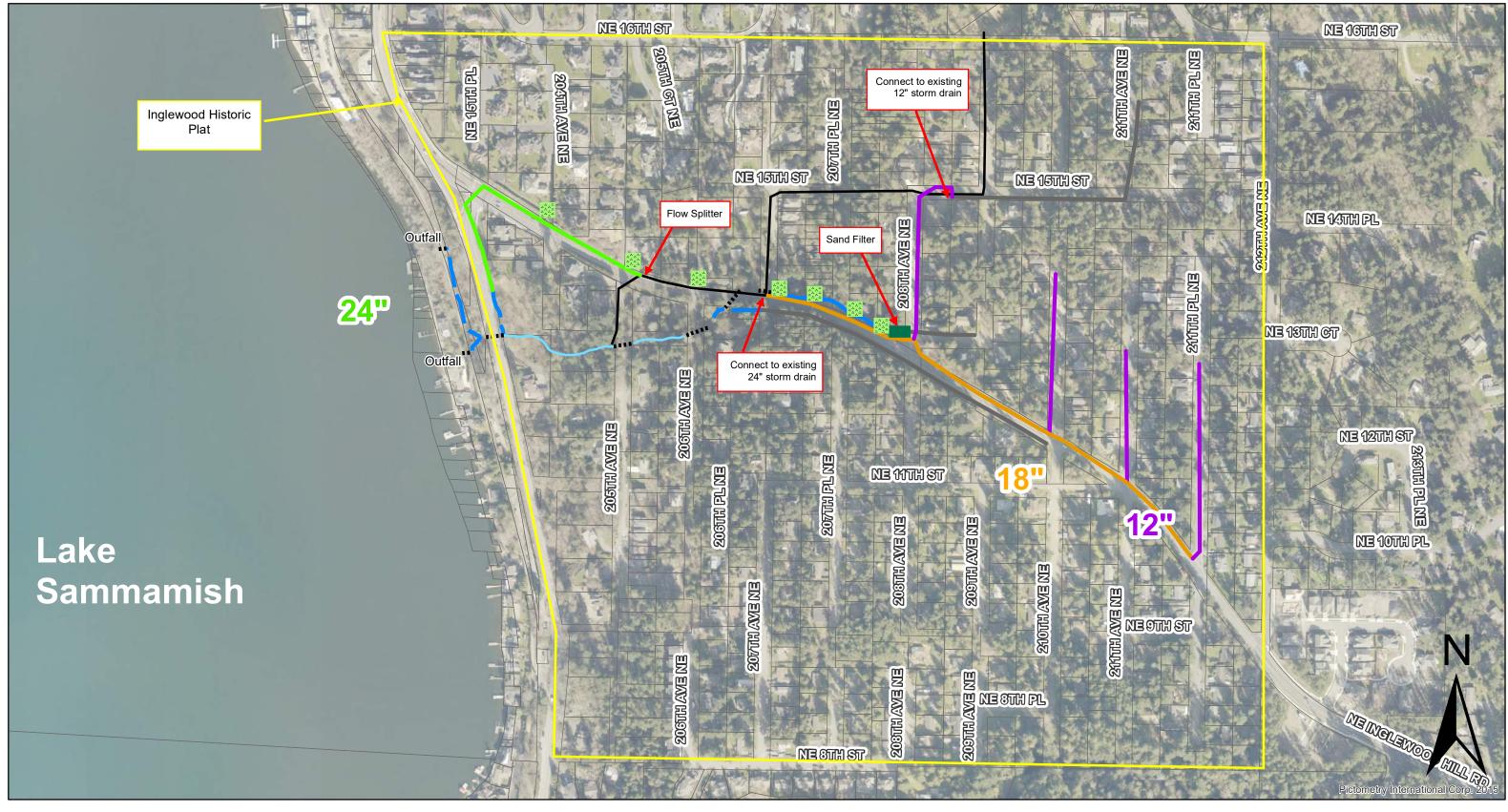
The City could also face a substantive due process claim resulting from enacting regulations which impact private property rights. There, the City would need to show:

The regulation is aimed at achieving a legitimate public purpose;

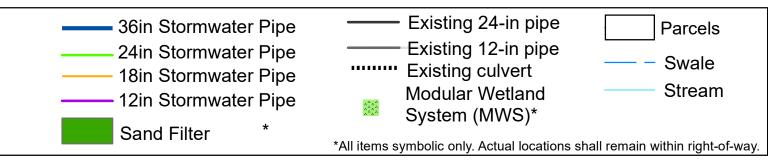
- 1. The regulation uses means reasonably necessary to achieve that purpose; and
- 2. The regulation is not unduly oppressive to the landowner.

The City could be sued and found liable for damages if a regulation denies the economic use of a citizen's property.

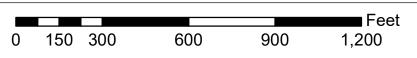
EXHIBIT 5

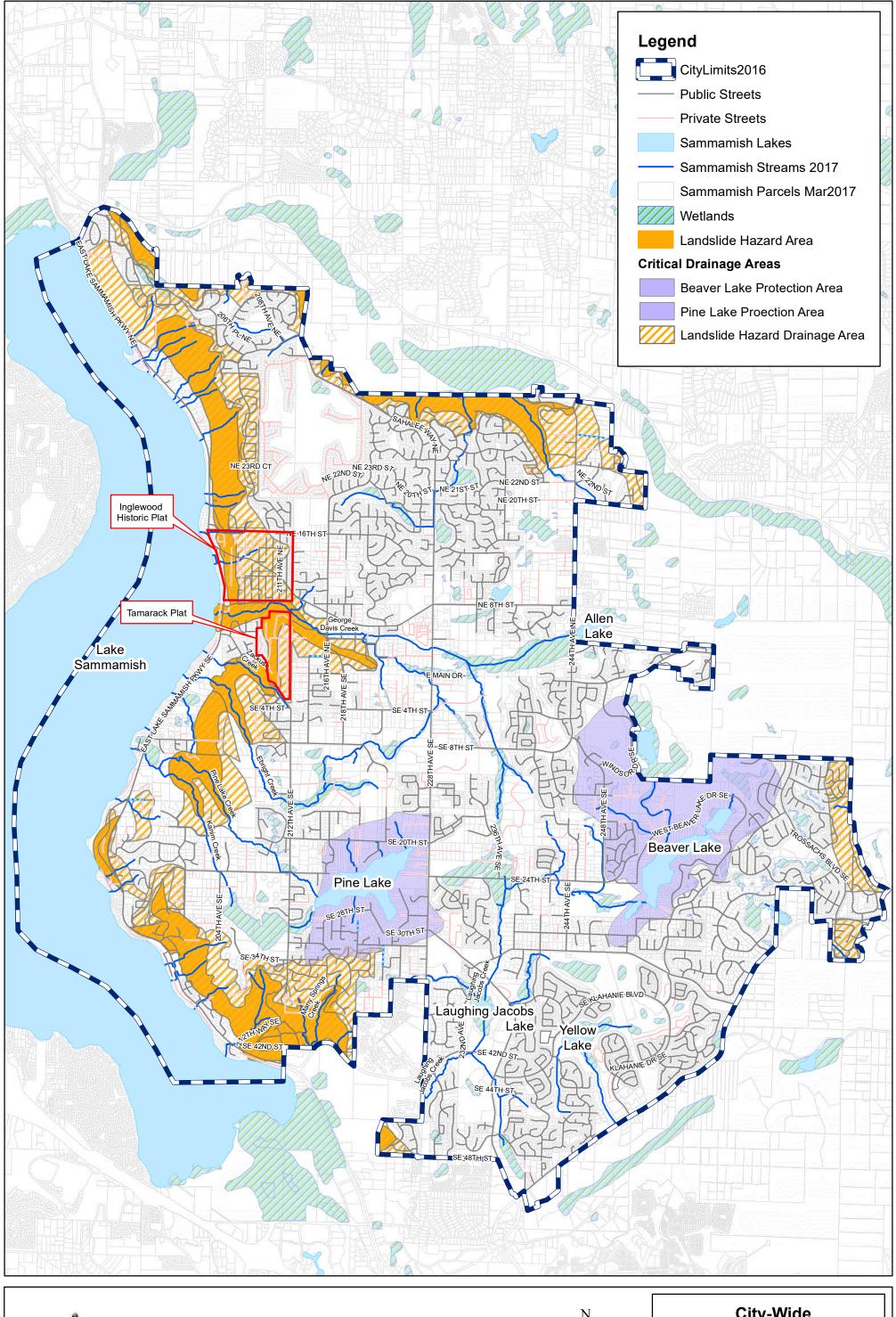




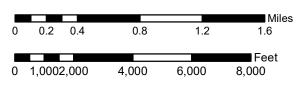


Schematic of Inglewood Hill Stormwater
Retrofit and Non-Motorized
Improvement Project
Sammamish, WA











City-Wide Critical Drainage Areas

Date Saved: 9/13/2017

CITY OF SAMMAMISH WASHINGTON

ORDINANCE NO. O2015-389

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADOPTING PROVISIONS RELATED TO SURFACE WATER MANAGEMENT IN THE SURFACE WATER DESIGN MANUAL AND AS ALSO CODIFIED INTO CHAPTER 20 OF TITLE 13 OF THE SAMMAMISH MUNICIPAL CODE

WHEREAS, the City incorporated in August of 1999;

WHEREAS, the City Council adopted the City's Comprehensive Plan on September 16, 2003, and the City has enacted zoning consistent with the comprehensive plan; and

WHEREAS, the City Council adopted the Sammamish Municipal Code on October 7, 2003 and subsequent revisions have been made since that time; and

WHEREAS, Title 13 of the Sammamish Municipal Code ("SMC") contains development regulations for surface and stormwater management; and

WHEREAS, plats approved prior to 1977 ("historic plats") were not subject to surface and stormwater regulations; and

WHEREAS, the City has landslide hazard areas that are potentially subject to risk of mass movement and susceptible to landslides due to a combination of geologic, topographic, and hydrologic factors; and

WHEREAS, the City has observed that when development occurs on previously vacant lots within historic plats that drain onto landslide hazard areas, there is a greater possibility for deleterious discharges associated with surface and stormwater when the development is not tightlined below the landslide hazard area; and

WHEREAS, drainage review is currently not required for development permits or approvals that would result in less than 2,000 square feet of new impervious surface, replaced impervious surface, or new plus replaced impervious surface; and

WHEREAS, through the adoption of Ordinance No. O2014-373 on July 15, 2014, and amended through Ordinance O2014-474 on October 7, 2014, the City Council adopted interim development regulations relating to surface water management and those interim regulations are expected to expire in 2015;

WHEREAS, the City Council held a public hearing on March 3, 2015 and received public testimony related to the adoption of the proposed permanent regulations set forth herein; and interim development regulations relating to surface water management

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non Significance for the proposed permanent regulations was issued on February 17, 2015; and

WHEREAS, in accordance with RCW 36.70A, a request for expedited review was received by the State of Washington Department of Commerce on October 24, 2014 and was granted expedited review on November 10, 2014; and

WHEREAS, the public process for the proposed permanent regulations has provided for public participation opportunities at public meetings and hearings before the Planning Commission and City Council between September of 2014 and March of 2015; and

WHEREAS, the Planning Commission held public meetings and public hearings on September 18 and October 16, 2014 and forwarded a recommendation to permanently amend Section 13.20.020 SMC and Section 1.2.1 of the adopted Surface Water Design Manual to further regulate and adopt standards for surface water management to the City Council on March 3, 2015; and

WHEREAS, the City Council considered the proposed surface water management regulations at a City Council public hearing on March 3, 2015, and

WHEREAS, the City Council considered the Planning Commission's recommendation, public comment, and other available information.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of the Surface Water Management regulations. The Surface Water Management regulations as set forth in Attachment "A" to this ordinance are hereby adopted.

Section 2. Codification of the Surface Water Management regulations. The City Council authorizes the Community Development Director and City Clerk to codify the regulatory provisions of this ordinance into Section 13.20.020 SMC and Section 1.2.1 of the adopted Surface Storm Water Design Manual for ease of use and reference.

<u>Section 3. Adoption of Historic Plat map.</u> The Historic Plat map as set forth in Attachment "B" to this ordinance is hereby adopted.

<u>Section 4. Interpretation.</u> The City Council authorizes the Community Development Director to administratively interpret these provisions as necessary to implement the intent of the Council.

<u>Section 5. Severability.</u> Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

<u>Section 6. Effective Date</u>. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 17th DAY OF MARCH 2015.

CITY OF SAMMAMISH

Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:

Melanie Anderson, City Clerk

Approved as to form:

Michael R. Kenyon, City Attorney

Filed with the City Clerk: February 25, 2015

Public Hearing: March 3, 2015

First Reading: March 3, 2015

Second Reading: March 17, 2015
Passed by the City Council: March 17, 2015

Passed by the City Council: March 17, 2015
Date of Publication: March 20, 2015

Effective Date: March 25, 2015

ATTACHMENT A

| 1 2 3 | Stormwater Development Regulations – Inglewood |
|----------------------------|---|
| 4 | SMC 13.20.020 Drainage review – When required – Type |
| 5 6 | (1) Drainage review is required when any proposed project is subject to a City of Sammamish development permit or approval and: |
| 7 8 | (a) Would result in 2,0005002,000 square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface; or |
| 9 10 11 | (a.1) Would result in 500 square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface within an Historic Plat as defined and mapped in Attachment B; or |
| 12 | (b) Would involve 7,000 square feet or more of land disturbing activity; or |
| 13 14 15 | (c) Would construct or modify a drainage pipe or ditch that is 12 inches or more in size or depth or receives surface and stormwater runoff from a drainage pipe or ditch that is 12 inches or more in size or depth; or |
| 16 | (d) Contains or is adjacent to a flood hazard area as defined in SMC Title 15 or 21A; or |
| 17 | (e) Is located within a critical drainage area; or |
| 18 19 | (f) Is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site; or |
| 20 21 22 23 | (g) Is a redevelopment project on a site in which the total of new plus replaced impervious surface is 5,000 square feet or more and whose valuation of proposed improvements, including interior improvements and excluding required mitigation and frontage improvements, exceeds 50 percent of the assessed value of the existing site improvements. |
| 24 25 26 27 28 | (2) The drainage review for any proposed project shall be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection (1) of this section, the City shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual: |
| 29 | (a) Small project drainage review; |
| 30 | (b) Targeted drainage review; |
| 31 | (c) Full drainage review; or |
| 32 | (d) Large project drainage review. (Ord. O2011-304 § 1 (Att. A)) |

ATTACHMENT A

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Surface Water Design Manual

1.2.1 CORE REQUIREMENTS #1: DISCHARGE AT THE NATURAL LOCATION

DISCHARGE REQUIREMENTS

Proposed projects must comply with the following discharge requirements (1, 2, and 3) as applicable:

2. IF a proposed project or any natural discharge area within a project is located within a historic plat¹ as defined and mapped in Attachment B or Landslide Hazard Drainage Area²¹²² and, in fact, ultimately drains over the erodible soils of a SAO-defined landslide hazard area with slopes steeper than 15%, THEN a tightline system must be provided through the landslide hazard area to an acceptable discharge point unless one of the following exceptions applies. The tightline system must comply with the design requirements in Core Requirements #4 and in Section 4.2.2 unless otherwise approved by DDES. Drainage easements for this system must be secured from downstream property owners and recorded prior to engineering plan approval.

Exceptions: A tightline is not required for any natural discharge location where one of the following conditions can be met:

- a) Less than 5002,000 square feet of new impervious surface will be added within the natural discharge area, OR
- b) All runoff from the natural discharge area will be infiltrated for runoff events up to and including the 100-year event, OR
- c) The developed conditions runoff volume² from the natural discharge area is less than 50% of the existing conditions runoff volume from other areas draining to the location

Historic plats are plats approved prior to 1977 that created separate lots as defined in SMC Title 19A smaller than 5,000 square feet.

Landslide Hazard Drainage Areas are areas mapped by the County where it has been determined that overland flows from new projects will pose a significant threat to health and safety because of their close proximity to SAOdefined landslide hazard areas that are on slopes steeper than 15% (see Definitions Section for a more detailed definition of SAO landslide hazard areas). Such areas are delineated on the Landslide Hazard Drainage Areas map adopted with this manual (see map pocket on inside of back cover).

²-For the purposes of applying this exception, the developed conditions runoff volume is the average annual runoff volume as computed with KCRTS per Chapter 3. Any areas assumed not to be cleared when computing the developed

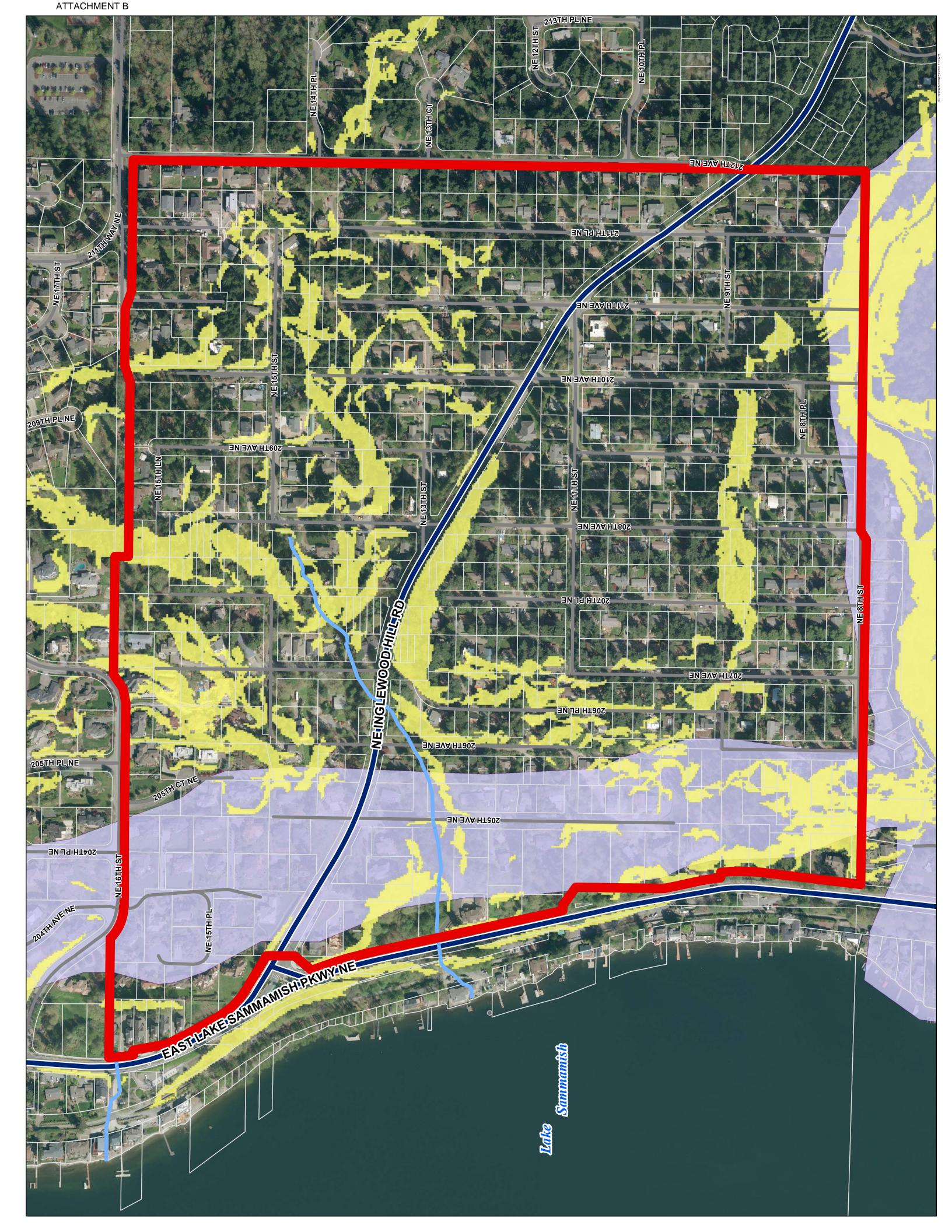
ATTACHMENT A

where runoff from the natural discharge area enters the landslide hazard area onto slopes steeper than 15%, AND the provisions of Discharge Requirement 1 are met, OR

DDES determines that a tightline system is not physically feasible or will create significant adverse impact based on a soils report by a geotechnical engineer.

. . .

conditions runoff volume must be set aside in an open space tract or covenant in order for the proposed project to qualify for this exception. Preservation of existing forested areas in Landslide Hazard Drainage Areas is encouraged.



| PAGE #* | SECTION | EXPLANATION OF CHANGE: Sept 21, 2017 |
|------------------|---------------|--|
| Exh 2 Page 11 | SMC 13.25.030 | Added "subdivision" to clarify education outreach efforts are for long and short subdivisions only. |
| Exh 2 Page 11 | | In critical drainage areas, revised "No exemptions allowed" for only Core Requirement 2 (Off Site Analysis) and 9 (Flow Control LID BMPS). The current code does not allow exemptions from any core requirement. |
| Exh 2 Page 32-33 | | For developments located in landslide hazard drainage areas, added exemption threshold to 1000 SF or less of conversion of pervious surface to impervious surface. |

^{*}Note: Page numbers will be finalized at adoption

| No. | Planning Commission Question | Staff Response |
|-----|--|--|
| 1 | What is the definition of impervious and pervious surface? | See Exhibit 3 for common stormwater definitions. These definitions are from the adopted 2016 KCSWDM which has |
| | | been approved by the Department of Ecology and required as part of the city's NPDES permit. Changes to definitions are |
| | | therefore not allowed. |
| 2 | Why does the cost of redevelopment projects trigger drainage review? | This threshold trigger is directly from the adoption of the thresholds in the 2016 KCSWDM. I have contacted our NPDES |
| | | permit coordinator to receive direction on any allowances to modify or eliminate this threshold, since it is not a threshold |
| | | that the NDPES permit identifies. I will share their response at the planning commission meeting on Sept 19, 2017. |
| | | |
| 3 | | Definitions for redevelopment and high use site are provided in Exhibit 3 and cited below. |
| | Commissioner Garrison made a really good point about the \$100,000 threshold in 13.20.020 (1) (f) Drainage Review- | |
| | When Required-Type at the 9/6 meeting. | "High-use site" means a commercial, industrial or road intersection site that generates a higher than average number of |
| | | vehicle turnovers or has other characteristics that generate the potential for chronic oil accumulation. "High-use site" |
| | It says that a "redevelopment project" proposing \$100,000 or more of improvements to an existing high-use site" | includes: |
| | requires drainage review. | (1) A commercial or industrial site subject to: |
| | What do we mean by "redevelopment project?" We don't have a redevelopment district in Sammamish, do we? | (a) An expected daily traffic count greater than 100 vehicles per 1,000 square feet of gross building area; (b) Petroleum storage or transfer in excess of 1,500 gallons per year, not including routine fuel oil storage or transfer; or |
| | what do we mean by redevelopment projects we don't have a redevelopment district in sammanish, do wes | (c) Use, storage or maintenance of a fleet of 25 or more diesel vehicles each weighing over 10 tons; or |
| | I agree with Jane that the dollar value of any project, whether it be residential, commercial or development doesn't | (2) A road intersection with average daily traffic counts of 25,000 vehicles or more on the main roadway and 15,000 or |
| | seem to have an relationship to whether or not a drainage review should be required. | more vehicles on any intersecting roadway, excluding pedestrian or bicycle use improvement projects. (Ord. O2016-428 § |
| | been to have an elactorship to whether or hot a distinger even should be required. | 4 (Att. B); Ord. 02011-304 § 1 (Att. A)) |
| | For example, I could do a kitchen remodel with all the most expensive appliances and textiles, and easily hit that | |
| | threshold- but my kitchen remodel probably won't effect drainage in any way. | 13.10.580 SMC Redevelopment project. |
| | | "Redevelopment project" means a project that proposes to add, replace or modify impervious surface for purposes other |
| | Unless convinced otherwise, I would propose that (f) be eliminated completely | than a residential subdivision or maintenance on a site that: |
| | | (1) Is already substantially developed in a manner that is consistent with its current zoning or with a legal nonconforming |
| | | use; or |
| | | (2) Has an existing impervious surface coverage of 35 percent or more. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 |
| | | (Att. A)) |
| | | |
| | | Redevelopment does not include residential sites, so a kitchen remodel proposing to add impervious surface would not |
| | | trigger drainage threshold review. We do not have redevelopment districts in Sammamish; however, we have commercial zoned areas that would meet the definition of redevelopment. The City has a number of intersections that |
| | | would also qualify as a high use site. |
| | | would also qualify as a flight use site. |
| | | |
| | | The intent behind this threshold trigger is to allow drainage review and requirements on projects that may have the |
| | | ability to provide water quality treatment or construction stormwater pollution prevention in areas that have significant |
| | | impact to downstream natural water resources. The \$100,000 monetary threshold is significantly large to weigh the |
| | | impact of this stormwater mitigation. |
| | | mpactor the stormator magazion. |
| | | Staff proposes to maintain threshold trigger. |
| | | |

| | PAGE #* | SECTION | EXPLANATION OF CHANGE: Sept 21, 2017 |
|----|---|---|--|
| 4 | Why was the meeting advertised as only for the | • | A public open house meeting was held on May 25, 2017 for Inglewood Historic Plat property owners because the City Council directed staff to review the stormwater code for the Inglewood Historic Plat passed under Ordinance 2015-389. Based on the public feedback from this meeting, staff met with planning staff, development review engineers, and the City's legal counsel to review the code that affected these property owners. It was determined that existing stormwater code may need to be amended. Legal public meeting notice for the Sept 21, 2017 Planning Commission meeting indicated SMC code sections that are proposed to be amended and did not specifically indicate Inglewood Historic Plat. |
| 5 | Why does replaced impervious surface trigger d | irainage review? | See Exhibit 3 for common stormwater definitions. This threshold trigger is directly from the adoption of the 2016 KCSWDM which the Department of Ecology approved as an equivalent a manual. The Department of Ecology has indicated that eliminating replaced impervious surface as a trigger is in violation of the City's NPDES permit. However, the City has provided maintenance exemptions from formal flow control and water quality requirements through the Sammamish Addendum to 2016 KCSWDM. |
| 6 | Clarify any differences between code application | n to new and existing SFRs. | The proposed code does not distinguish between new and existing SFRs. In critical drainage areas, drainage review is triggered by the conversion of pervious surface to impervious surface. |
| 7 | use of TDRs to limit future development in sensitive very important to me that the difference bethe stormwater code. If a person adds 999 sfor carefully, especially in these environmentally serview. I understand that with new construction threshold. So then I get to my other point. I don't like to complayhouse. It seems like this whole, steep area area in risky zones? At least it might give homes storm systems. Would the formation of a storm Seattle and north along Puget Sound, and these | tween new construction and added on projects be distinguished in if parking to their already developed lot, it should be reviewed institive areas. The way it's written, a person could do that without in, you would be limiting the use of the property, using the 500 sf urb a homeowner's dreams by not allowing a deck, porch, or was overbuilt. Is it possible to use TDRs to create more pervious owners an option after they find out the cost of providing their own mater LID be an appropriate option in the code? I look at West a slopes east of Lake Sammamish could be similarly unpredictable. I unding the Plateau. I hope we are seriously zoning those areas | The intended outcome of special restrictions in critical drainage areas is to reduce the unmitigated stormwater impact from new development, whether it comes from additions to existing single family homes or new homes on vacant lots. The allowed impacts must be weighed against reasonable use of a vacant low-density residential zoned lot. Additionally, the existing stormwater code makes no distinction between such new development in other areas of the City and seeks to obtain retroactive mitigation when development proposes to replace impervious surfaces. Public Works staff recommend no distinction since intended outcome would be equal regardless of new vs. existing construction. Per our TDR code (21A.80), properties located in the Inglewood Basin, Thompson Basin, Erosion Hazard Special Overlay District or Wetland Management Special Overlay Area, can qualify as a sending site, meaning property owners can sell their development rights to be used in the Town Center subarea (receiving site). TDR's could result in more pervious area IF property owners utilize this program. TDRs can also provide a financial incentive as long as there is a market for them. The TDR webpage that provides additional information - https://www.sammamish.us/government/departments/community-development/current-projects/transfer-of-development-rights/. Stormwater Local Improvement District (LID) is an option that will be investigated during the Zackuse Basin Planning for landslide hazard drainage areas. The Planning Commission will review the basin plan recommendations in first quarter 2019. |
| 8 | Clarify Low Impact Development educational re | · | See Exh 2, Page 11, SMC 13.25.030. Added "subdivision" to clarify education outreach efforts are for long and short subdivisions only. |
| 9 | If I replace an impervious driveway, does that tr | igger drainage review? | Yes, if any of the thresholds in SMC 13.20 are met for drainage review. However, the existing code provides maintenance exemptions from Core Requirement for flow control and water quality if the removal does not impact the subgrade. |
| 10 | If I replace my roof, does that trigger a drainage | review? | No, roof replacement is not replaced impervious surface. |
| 11 | If I add a deck, does that trigger a drainage revie | ew? | If the spacing between the deck boards are wide enough to allow stormwater to pass through it, it would not be considered impervious surface. If the deck surface is solid, it would be considered an impervious surface and would be subject to thresholds under SMC 13.20. |
| 12 | If I remodel my existing home, in any way, does | that trigger drainage review? | If your remodel requires anything that meets the thresholds under SMC 13.20, drainage review would be required. |
| 13 | Is there an exception or variance process for ho earthquake, fire)? | mes that are destroyed by natural disaster (i.e. flood, landslide, | The stormwater code does not specifically address this situation; however, the city will work to expedite reviews should those types of events occur. |

| | | PAGE #* | SECTION | EXPLANATION OF CHANGE: Sept 21, 2017 |
|---|----|--|--|--|
| Γ | 14 | What if an existing home remodel project attemp | pted to separate a large project (over 2,000 sq. ft. or 1,000 sq. ft. in | While some home owners may attempt to do this, it would be much more expensive because the permitting costs would |
| ı | | a critical drainage area? Is there any way to prev | ent that from happening? | be doubled, and the disruption from two construction projects would probably be fairly significant and likely not worth |
| | | | | it. If the property owner submitted two separate projects creating less than 1,000 sf of impervious surface for the same |
| | | | | house at the same time , the city would not allow that. |
| | | | | |
| | | | | |



801 228th Avenue SE ■ Sammamish, WA 98075 ■ phone: 425-295-0500 ■ fax: 295-295-0600 ■ web: www.sammamish.us

PLANNING COMMISSION AGENDA ITEM

| PLANNING COMMISSION AGENDA ITEM |
|---|
| September 21, 2017 |
| SUBJECT |
| Overview of the City of Sammamish Environmentally Critical Areas Regulations |
| STAFF CONTACTS |
| David Pyle, Deputy Director, Community Development 425-295-0521, dpyle@sammamish.us |
| DIRECTION NEEDED FROM PLANNING COMMISSION |
| ☐ Action |
| □ Discussion |
| ☐ Information |
| |

SUMMARY STATEMENT

During the May 16, 2017 City Council Meeting, Council discussed the adequacy of the Erosion Hazards Near Sensitive Water Bodies Overlay No-Disturbance Area Pilot Program (Sammamish Municipal Code [SMC] 21A.50.225). Staff were asked to prepare interim development regulations removing the Pilot Program from the City's Development Code while the content of the Program is evaluated.

On May 22, 2017 the Council declared an emergency and adopted interim development regulations under ordinance O2017-438 (Exhibit 1). This ordinance effectively removed the Pilot Program from SMC 21A.50.225 as an interim measure. In accordance with RCW 35A.63.220, on July 18, 2017 a public hearing was held within 60 days of passing of the interim development regulations ordinance. Following the public hearing Council directed staff to evaluate the components of the Pilot Program as previously found in SMC 21A.50.225 and engage the Planning Commission in consideration of potential changes to this section of the City's Environmentally Critical Areas regulations (Chapter 21A.50 SMC).

The Planning Commission is tasked with considering changes to SMC 21A.50.225 as necessary to address program concerns. To prepare for this, staff will provide an overview of the City's Environmentally Critical Areas section of the SMC at the September 21, 2017 meeting. This presentation will include a summary of critical areas requirements enacted by the Washington State Growth Management Act, direction established by the City of Sammamish Comprehensive Plan, the structure of the Sammamish Municipal Code with regard to Environmentally Critical Areas regulations, and the different tools used to regulate these resources.

ACTION REQUIRED

No action is required. This meeting is intended to provide a background to the Commission to assist in future discussions on this topic. There will be time provided for questions to staff and discussion by the Commission.

NEXT STEPS

Following this overview, Commission discussion of potential changes to the Pilot Program as previously found in SMC 21A.50.225 will continue on October 5, 2017.

| EXHIBITS | | |
|----------|---|---|
| 1 | • | Ordinance O2017-438 – Emergency Declaration and Interim Regulations Relating to the Pilot Program in the Erosion Hazard Near Sensitive Water Bodies Overlay |
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CITY OF SAMMAMISH WASHINGTON

ORDINANCE NO. O2017-438

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADOPTING INTERIM DEVELOPMENT REGULATIONS AS AUTHORIZED BY THE GROWTH MANAGEMENT ACT RELATING TO THE PILOT PROGRAM IN THE EROSION HAZARDS NEAR SENSITIVE WATER BODIES OVERLAY; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

WHEREAS, to promote the public health, safety, aesthetics, and welfare, the City of Sammamish ("City") adopted an erosion hazard near sensitive water bodies overlay to provide a means to designate sloped areas posing erosion hazards that drain directly to lakes or streams of high resource value that are particularly sensitive to the impact of increased erosion and the resulting sediment loads from development. Sammamish Municipal Code (SMC) section 21A.50.225; and

WHEREAS, the City Council has established a pilot program in section 21A.50.225(5) SMC to allow pilot project subdivisions within the erosion hazard near sensitive water body overlay allowing limited development in the no-disturbance area; and

WHEREAS, the City Council has determined that the requirements and development regulations of the pilot program may be inadequate to protect against potentially significant adverse impacts within the no-disturbance area, and that further analysis of those issues should be undertaken; and

WHEREAS, amendments to the pilot program development regulations may be required, and the City is interested in preventing the approval of pilot program applications until such time as the pilot program regulations can be thoroughly reviewed and amended; and

WHEREAS, the City has determined that interim development regulations adopted under the provisions of RCW 36.70A.390 are necessary in order to allow adequate time for the City to effectively analyze and determine if the current development regulations are sufficient to provide for pilot programs within the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DOES ORDAIN AS FOLLOWS:

- <u>Section 1. Findings of Fact</u>. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim development regulations adopted herein. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 4 of this Ordinance.
- <u>Section 2. Adoption of Interim Zoning Regulations</u>. The City Council hereby adopts the interim development regulations amending Sammamish Municipal Code Chapter 21A.50 to delete the pilot program as set forth in Attachment A to this Ordinance.
- <u>Section 3. Effective Duration of Interim Development Regulations</u>. The interim development regulations set forth in this Ordinance shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire at the conclusion of that six-month period unless sooner repealed.
- <u>Section 4. Public Hearing</u>. The City Council will hold a public hearing at the City Council's regular meeting beginning at 6:30 p.m. on July 18, 2017 or as soon thereafter as the business of the City Council shall permit, in order to take public testimony and to consider adopting further findings of fact.
- <u>Section 5.</u> Referral to the City Manager. The City Council requests that the City Manager and his staff work diligently with the Planning Commission and City Council to formulate and adopt permanent regulations.
- <u>Section 6. Severability.</u> Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.
- Section 7. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force on its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 22^{ND} DAY OF MAY, 2017.

CITY OF SAMMAMISH

Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Michael R. Kenyon, City Attorney

Filed with the City Clerk:

May 19, 2017

First Reading:

May 22, 2017

Passed by the City Council:

May 22, 2017

Date of Publication:

May 26, 2017

Effective Date:

May 22, 2017

21A.50.225 Erosion hazards near sensitive water bodies overlay.

- (1) The purpose of the erosion hazards near sensitive water bodies overlay is to provide a means to designate sloped areas posing erosion hazards that drain directly to lakes or streams of high resource value that are particularly sensitive to the impacts of increased erosion and the resulting sediment loads from development.
- (2) General Development Standards. The following development standards shall be applied to all properties within the erosion hazard near sensitive water body overlay:
 - (a) The one acre exemption in the storm water design manual addendum shall not apply within the erosion hazards near sensitive water body overlay.
 - (b) If the application of this section would deny all reasonable use of property, the applicant may apply for a reasonable use exception pursuant to SMC 21A.50.070(2).
 - (c) The director may modify the property-specific development standards required by this section when a critical areas study is conducted by the applicant and approved by the director which demonstrates that the proposed development substantially improves water quality by showing all of the following:
 - (i) Water quality on site is improved through site enhancements and/or other innovative management techniques;
 - (ii) The development project will not subject downstream channels to increased risk of landslide or erosion; and
 - (iii) The development project will not subject the nearest sensitive water body to additional hazards resulting from erosion.
- (3) No-Disturbance Area Development Standards. The following development standards shall be applied, in addition to all applicable requirements of this chapter, to development proposals located within the no-disturbance area:
 - (a) Development shall not occur in the no-disturbance area, except for the development activities listed in subsection (3)(a)(i) of this section. Development activities listed in subsection (3)(a)(i) of this section shall only be permitted if they meet the requirements of subsection (3)(a)(ii) of this section.
 - (i) Development activities may be permitted as follows:
 - (A) For single-family residences, associated landscaping and any appurtenances on preexisting separate lots;
 - (B) For utility corridors to service existing development along existing rights-of-way including any vacated portions of otherwise contiguous rights-of-way, or for the construction of utility corridors identified within an adopted water, storm water, or sewer comprehensive plan;
 - (C) For streets providing sole access to buildable property and associated utility facilities within those streets:
 - (D) For public park facilities including parking lots, restrooms or recreational structures and pedestrian trails/sidewalks; or

(E) Work authorized pursuant to the pilot program.[DP1]

- (ii) The development activities listed in subsection (3)(a)(i) of this section may be permitted only if the following requirements are met:
 - (A) Where applicable under SMC 21A.50.120, a report that meets the requirements of SMC 21A.50.130 shall show that the development activities will not subject the area to risk of landslide or erosion and that the purpose of the no-disturbance area is not compromised in any way;

- (B) The development activities shall be mitigated, monitored and bonded consistent with the mitigation requirements applicable to environmentally critical areas;
- (C) The development activities are limited to the minimal area and duration necessary for construction; and
- (D) The development activities are consistent with this chapter.
- (b) New single-family home construction or modifications or additions to existing single-family homes on existing legal lots that will result in a total site impervious surface of more than 2,000 square feet shall provide a drainage design, using the following sequential measures, which appear in order of preference:
 - (i) Infiltration of all site runoff shall be required to the maximum extent technically feasible in existing soil conditions, consistent with the infiltration system design requirements of the KCSWDM;
 - (ii) Development proposals that meet the goals of low impact development, as follows:
 - (A) Sixty-five percent of the site shall remain as open space.
 - (B) No more than 10 percent of the gross site area may be covered with impervious surface.
 - (C) The development proposal's storm water system shall limit storm water discharge volumes to match the average annual volume discharged from the predeveloped forested site conditions as determined using a calibrated continuous simulation hydrologic model based on the EPA's HSPF program or an approved equivalent model. The City may modify these requirements based upon site-specific analysis of the feasibility of required improvements, standards and specifications. Such analysis shall include evaluation of site and vicinity soils, hydrology, and other factors, as determined by the City, affecting the successful design of the storm water or low impact development improvements. The City shall consider purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the proposal when evaluating a waiver or modification request. The applicant shall bear the burden of proof that a waiver or modification is warranted;
 - (iii) For development proposals that cannot infiltrate all site runoff, the applicant shall design a drainage system that provides a drainage outlet designed using the best available science techniques in addition to the applicable flow control and water quality treatment standards of the adopted surface water design manual to minimize the risk of landslide or erosion within the no-disturbance area and minimize the risk of water quality impacts to any sensitive water body located downstream of the no disturbance area; and
 - (iv) Structural modification of, addition to or replacement of legally created single detached residences and improvements in existence before January 1, 2006, that do not increase the existing total footprint of the residence and associated impervious surface by more than 400 square feet over that existing before January 1, 2006, shall be exempt from the provisions of this subsection.
- (4) Development Standards for Properties Draining to the No-Disturbance Area. The following development standards shall be applied, in addition to all applicable requirements of this chapter, to development proposals located within the erosion hazards near sensitive water body overlay that drain to a no-disturbance area:
 - (a) New proposed subdivisions, short subdivisions, public institutions, commercial site development permits, and binding site plans for sites that drain predeveloped runoff to the no-disturbance zone shall evaluate the suitability of on-site soils for infiltration. All runoff from newly constructed impervious surfaces shall be retained on site unless this requirement precludes a proposed subdivision or short subdivision from achieving 75 percent of the maximum net density as identified in Chapter 21A.25 SMC. When 75 percent of the maximum net density cannot be met, the applicant shall retain runoff on site and a perforated tightline (per the adopted surface water design manual and SMC Title 13, Surface Water Management) shall be used to connect each lot to the central drainage system. The following drainage systems shall be evaluated, using the following sequential measures, which appear in order of preference:

- (i) Infiltration of all site runoff shall be required in granular soils as defined in the adopted surface water design manual and SMC Title 13, Surface Water Management;
- (ii) Infiltration of downspouts shall be required in granular soils and in soil conditions defined as allowable in the KCSWDM when feasible to fit the required trench lengths on site. All flows not going to an individual infiltration system shall be detained on site using the most restrictive flow control standard; and
- (iii) When infiltration of downspouts is not feasible, the applicant shall design a drainage system that will detain flows on site using the applicable flow control standard and shall install an outlet from the drainage system designed using the best available science techniques to limit the risk of landslide or erosion to the no-disturbance area; provided, that in no case shall development proposals generating more than 2,000 square feet of impervious surface create point discharges in or upstream of the no-disturbance or landslide hazard areas.
- (b) For the portions of proposed subdivisions, short subdivisions and binding site plans that cannot infiltrate runoff up to the 100-year peak flow, at least 25 percent of the portion of the site that cannot infiltrate shall remain undisturbed and set aside in an open space tract consistent with SMC 21A.50.160 through 21A.50.190. The open space tract shall be located adjacent to any required critical area tracts and shall be designed to maximize the amount of separation between the critical area and the proposed development. If no critical areas tracts are required, the open space tract shall be located to provide additional protection to the no-disturbance area.
- (c) For the portions of all subdivisions and short subdivisions that cannot infiltrate runoff up to the 100-year peak flow, no more than 35 percent of the gross site area shall be covered by impervious surfaces. For new subdivisions and short subdivisions, maximum lot coverage should be specified for subsequent residential building permits on individual lots.

(5) Pilot Program. [DP2]

- (a) Establishment of Pilot Program. A pilot program is hereby established to allow pilot project subdivision, including clearing and development projects within the no-disturbance area as set forth herein, on land that has slopes of less than 40 percent grade and that is located outside of environmentally critical area buffers. The provisions of this pilot program shall not apply, and pilot projects shall not be authorized, within the mapped Ebright Creek, Pine Lake Creek, Zaccuse Creek, and "mid-Monohon" sub-basins.
- (b) Effective Date. The terms of this pilot program related to pilot projects authorized under subsection (5)(d)(i) of this section, and to properties within the shoreline jurisdiction, shall take effect following the adoption of the pilot program into a Department of Ecology approved Sammamish shoreline master program.
- (c) Purpose. The purpose of this pilot program is to allow for limited development within the no-disturbance area under strict limitations in order to evaluate the ability to allow increased development within the no-disturbance area without adversely affecting the water quality of Lake Sammamish. Projects qualifying for this pilot program are subject to the requirements below, and are not subject to the preceding subsections of this section.
- (d) Eligibility. A maximum of four subdivision projects are authorized by this pilot program. A maximum of two projects may be authorized under subsection (5)(d)(i) of this section and a maximum of two projects may be authorized under subsection (5)(d)(ii) of this section. Projects eligible for inclusion in this pilot program shall meet the provisions of subsection (5)(d)(i) or (5)(d)(ii) of this section:
- (i) Tightline Drainage Design. Where direct access to Lake Sammamish is available, the applicant shall install permanent water quality treatment per the adopted surface water design manual and a tightline storm drain system discharging directly into Lake Sammamish designed by a professional engineer using the adopted surface water design manual and technologies. The applicant shall also install temporary erosion sediment control improvements, including active water quality treatment. The tightline system shall extend through the property and be available by extension or easement upstream to properties that naturally drain to the subject property; or

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- (ii) Low Impact Design. Where direct access to Lake Sammamish is not available, the applicant shall design a project consistent with the development standards of low impact development, specifically:
- (A) Sixty-five percent of the site shall remain as forested open space. Revegetation shall be required to convert nonforested open space to forested as part of the project approval.
- (B) No more than 10 percent of the gross site area may be covered with impervious surface.
- (C) The project's storm water system shall limit storm water discharge volumes to match the average annual volume discharged from the predeveloped forested site conditions as determined using a calibrated continuous simulation hydrologic model based on the EPA's HSPF program or an approved equivalent model. The City may modify these requirements based upon site-specific analysis of the feasibility of required improvements, standards and specifications. Such analysis shall include evaluation of site and vicinity soils, hydrology, and other factors, as determined by the City, affecting the successful design of the storm water or low impact development improvements. The City shall consider purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the proposal when evaluating a waiver or modification request. The applicant shall bear the burden of proof that a waiver or modification is warranted.
- (e) Pilot Program Administration.
- (i) Application. Applications for eligible projects meeting the provisions of subsection (5)(d) of this section shall be administered as follows:
- (A) Within two years of the effective date of this subsection, a maximum of one project eligible for the pilot program under subsection (5)(d)(i) of this section and a maximum of one project eligible for the pilot program under subsection (5)(d)(ii) of this section may be accepted subject to the provisions of subsection (5) of this section. Following completion and acceptance of all required infrastructure necessary to support the proposed project, and barring any failure of the required infrastructure that causes an environmental failure, an additional one project eligible for the pilot program under subsection (5)(d)(i) of this section and an additional one project eligible for the pilot program under subsection (5)(d)(ii) of this section may be accepted subject to the provisions of subsection (5) of this section. For the purposes of this subsection, infrastructure necessary to support the proposed project shall include, at a minimum, all public or private storm water improvements, and all public or private roads improvements associated with the project.
- (B) Application for eligible projects shall be accepted in the order received. To qualify for application, an applicant must have a complete application as described in the City's application material and Chapter 20.05 SMC, and an applicant must have completed any necessary preliminary steps prior to application as set forth in Chapter 20.05 SMC.
- (C) In the event that an application for a project accepted into the pilot program is withdrawn by the applicant or cancelled by the City prior to the expiration of the pilot program, the next submitted application for the same development type shall be accepted into the pilot program.
- (D) The City shall use its authority under SMC 20.05.100 to ensure expeditious processing of subdivision applications. In particular, the director shall set a reasonable deadline for the submittal of corrections, studies, or other information when requested; an extension may be provided based upon a reasonable request. Failure by the applicant to meet a deadline shall be cause for the department to cancel/deny the application.
- (E) Site development construction shall begin no later than 18 months from the date of preliminary plat approval. The director may authorize a one-year extension based upon extenuating circumstances.
- (ii) Pilot Program Expiration. The pilot program shall expire and no further applications shall be accepted after the period established in subsection (5)(e)(i) of this section. Projects for which applications are accepted into the pilot program may be reviewed, approved and constructed under the terms of the pilot program, even if such review, approval, or construction occurs after the pilot program has expired.

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- (f) Development Requirements. Projects accepted under this pilot program may conduct clearing and development in the no-disturbance area, and shall not be subject to subsection (2) of this section so long as projects accepted under this pilot program and associated clearing and development meet the following requirements:
- (i) The development shall comply with the adopted surface water design manual and SMC Title 13, Surface Water Management;
- (ii) The total project area shall be limited to 30 acres per project. For the purposes of this subsection, pilot projects on adjoining lots shall be considered one project;
- (iii) Pilot projects proposed pursuant to subsection (5)(d)(ii) of this section, Low Impact Design, shall incorporate Level 3 flow control, or equivalent, as approved by the director, in addition to the volume control standard specified in subsection (5)(d)(ii) of this section;
- (iv) Pilot projects proposed pursuant to subsection (5)(d)(i) of this section, Tightline Drainage Design, shall incorporate an energy dissipater in the tightline system, or equivalent, as approved by the director;
- (v) Clearing of the site shall be limited based on the treatment capacity designed into the permanent and temporary water quality treatment systems installed;
- (vi) Post Development Phosphorous Control. The proposed storm water facilities shall be designed to remove 80 percent of all new total phosphorus loading on an annual basis due to new development (and associated storm water discharges) where feasible or utilize AKART if infeasible. At a minimum, post development water quality treatment shall be designed to achieve a goal of 60 percent total phosphorus (TP) removal for the water quality design flow or volume (defined in Section 6.2.1, p. 6-17 of the adopted KCSWDM);
- (vii) Drainage systems shall be designed to accommodate the 100-year storm, consistent with the requirements of the adopted surface water design manual;
- (viii) Low impact design techniques shall be incorporated into the design of homes constructed on the resultant lots to the maximum extent practically feasible; provided, that infiltration of storm water shall be prohibited except where there are no erosion hazard areas located downslope of the infiltration system;
- (ix) Pilot projects shall set aside 50 percent of the gross site area as a permanent open space tract. Revegetation shall be required to convert nonforested open space to forest as part of the project approval. For the purposes of this subsection, the gross site area shall be the entire area of a property associated with a pilot project participating in the pilot program;
- (x) Lots shall be clustered to the maximum extent feasible to minimize site grading in the no-disturbance area;
- (xi) No more than 30 percent of the net developable area within a pilot project shall be covered by impervious surfaces. Required street improvements are included in this impervious surface limitation. For the purposes of this subsection, the net developable area shall be the entire area of a property participating in the pilot program minus any environmentally critical areas and buffers;
- (xii) Construction Season Work Limits. Land clearing and grading may only occur between June 1st to August 30th with the phases of construction limited as follows:
- (A) On or after June 1st, site clearing and grading necessary for the installation of permanent and temporary water quality treatment and conveyance may occur. Clearing and grading shall be limited to those portions of a site where such work is necessary to install tight-line storm water conveyance, permanent and temporary storm water detention, and/or water quality facilities. For the purposes of temporary erosion and sediment control, the required tightline system may be either a portion of the permanent storm water conveyance system if feasible, or a temporary tightline system to be replaced by the permanent system as construction progresses;
- (B) Following installation and approval of the permanent and temporary water quality treatment described in subsection (5)(f)(xii)(A) of this section, development of the remainder of the site may occur;

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- (C) No later than August 30th, all site clearing and grading activity must be completed and the site fully prepared for winter rains, through techniques such as hydroseeding or stabilization as set forth in an approved construction season work limit plan;
- (D) The director may extend the seasonal construction limitations described above if, in the director's determination, appropriate erosion control measures and practices are in place and then prevailing weather patterns permit. The director shall not authorize work prior to May 1st or after September 30th;
- (xiii) Construction Season Work Limit Implementation. City approval of a temporary erosion and sediment control plan consistent with this section, SMC 21A.50.220, and other laws and regulations is required prior to any site work. The temporary erosion and sediment control plan shall comply with grading limits, shall include construction season work limits that comply with the construction season limitations, and shall include a close out plan identifying the actions that will be taken to ready the site for winter weather. The close out plan shall include the following:
- (A) By July 15th, City approval of any proposed changes to the close out plan to assure that the site will be prepared for winter weather by August 30th is required.
- (B) By August 1st, review and approval of any revisions to the close out plan is required.
- (C) By August 15th, City inspection is required of the site to confirm that all mandatory elements of the close outplan are being implemented. Following inspections, the City shall direct the applicant to take any additional actions that are necessary and may order all construction work to be stopped other than work to prepare the site for winter weather.
- (D) By August 30th, all site work to prepare the site for winter weather shall be completed.
- (E) The director may extend these seasonal construction limitations if, in the director's determination, appropriate erosion control measures and practices are in place and then-prevailing weather patterns permit. The director shall not authorize work prior to May 1st or after September 30th;
- (xiv) Early Installation of Permanent Storm Water Management System. In addition to installation of all required temporary sediment and erosion control measures, and prior to any grading, other than grading necessary for installation of the storm water management system, the applicant shall construct the project's storm water management systems in accordance with plans approved by the City. Storm water systems shall include permanent and temporary water quality treatment and detention facilities specified in the latest approved version of the surface water design manual and the pipes and outlet facilities necessary to convey storm water to the approved discharge location.
- (A) Temporary water quality treatment facilities shall be sized to treat runoff generated by cleared areas during the 10-year storm event during May through September and the 25-year storm event for the remainder of the year and release treated runoff with a measured turbidity of no more than 25 NTU.
- (B) Temporary water quality treatment facilities shall include active sediment controls, such as chemical treatment, enhanced filtration or a combination of both per DOE guidelines (Sections C250 and C251, Volume II, Department of Ecology Stormwater Management Manual).
- (g) Monitoring and Reporting on Pilot Program Projects. The purpose of collecting, monitoring, and reporting information on the pilot program projects is to inform the eventual legislative decision on development in the no-disturbance area. Projects authorized by this pilot program shall collect and report the following:
- (i) Monitoring Data. Water quality monitoring data collected pursuant to this section shall include the following:
- (A) Turbidity;
- (B) Total phosphorous;
- (C) Total suspended solids;

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- (D) Temperature;
- (E) Flow rate; and
- (F) Volume.

Pilot program projects authorized under subsection (5)(d)(ii) of this section, Low Impact Design, shall not be required to collect flow rate or volume data. Water quality monitoring data shall be retained by the project applicant for a period of five years after final inspection of the last house built.

- (ii) Prior to Construction. Prior to any site construction activity, the project applicant shall be responsible for completing visual inspections of the site and downstream properties to identify possible sources of erosion before, during, and after construction to provide a baseline condition for other data collection.
- (iii) During Construction. During any site construction activity the project applicant shall be responsible for collecting monitoring data in accordance with the frequency established by the NPDES permit at the natural discharge location. Monitoring data shall be collected prior to the start of construction, through the construction period and until the last house has been built on the site.
- (iv) Following Construction. Following the final inspection of the last house built, the project applicant shall be responsible for collecting monitoring data for five years. Data collection shall occur at a frequency of seven times a year between the months of October and June. Monitoring shall not be required following construction if the pilot program is adopted as a permanent amendment to the erosion hazard near sensitive water body overlay.
- (v) Water Quality Reporting. Monitoring data shall be summarized in annual water quality reports submitted to the City. Annual reports shall evaluate the effect on King County water quality data from Lake Sammamish.
- (vi) Administrative Rules. The director is authorized to adopt administrative rules to ensure the successful water quality data collection, monitoring, and reporting to the City.
- (h) Pilot Program Evaluation. The City shall monitor the pilot program through the submitted annual reports and shall summarize the report findings in a report evaluating how well each project achieved the pilot program's purpose and goals and present the report to the City council along with a recommended legislative action. (Ord. O2016-410 § 1 (Att. A); Ord. O2013-350 § 1 (Att. A); Ord. O2009-250 § 1; Ord. O2005-193 § 1)